

PRISONS AND CORRECTIONAL SERVICES BILL, 2017

ARRANGEMENT OF SECTIONS

*Section:*

1. Establishment of Nigerian prison and correctional service
2. Establishment and classification of prisons
3. Functions of the Nigerian Prisons and Correctional Service
4. Appointment of Controller-General of Prisons and other staff
5. Powers, duties and functions of the CGP
6. Delegation of Power of the CGP
7. Establishment of Prisons Service Commission.
8. Membership of the Commission
9. Functions of the Commission
10. Powers of the Commission
11. Power to appoint administrative secretary and staff of the Commission
12. Power of delegation
13. Pensions
14. Staff Regulations
15. Transitional provisions
16. Proceedings of the Commission
17. Custody of prisoners
18. Report on prisoner
19. Prison Labour
20. Transfer of prisoners
21. Production of prisoner before a court
22. Medical check-up on prisoners
23. Removal of sick prisoners to hospital
24. Repatriation of prisoners
25. Use of firearm by prison officers
26. Prison visitors ex-officio

- 
27. Medical
  28. Prison Officers Reward Fund
  29. Vocational and remedial training
  30. Trafficking in the prisons
  31. Prisons ration
  32. Escape of Prisoners
  33. Power to make regulations and Standing Orders
  34. Repeal of Cap 478, LFN, 2010
  35. Interpretation
  36. Citation
- Schedules

# A BILL

## FOR

AN ACT TO REPEAL THE NIGERIAN PRISONS ACT CAP. 478 LAWS OF THE FEDERATION OF NIGERIA, 2010 AND MAKE COMPREHENSIVE PROVISIONS FOR THE ADMINISTRATION OF PRISONS IN NIGERIA; AND FOR RELATED MATTER

*Sponsored by Senator Babajide Omoworare*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1           1.-(1) There is established for the Federation the Nigerian Prisons  
2 and Correctional Service (in this Act referred to as "the Service").

Establishment of Nigerian Prisons and Correctional Service

3           (2) This Service shall be responsible for the coordination of the  
4 functions, activities and duties of all prisons and Prison-related institutions  
5 in Nigeria geared towards the custody and recovery as opposed to  
6 punishment

7           (3) The Service shall perform the task of "Corrections" as the key  
8 aim of imprisonment in Nigeria.

9           (4) There shall be for the Service administrative, psychological,  
10 chaplaincy, educational, medical, legal, technical/vocational, welfare and  
11 other offices as the Controller-General of Prisons may consider necessary  
12 for efficient running of the Service

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

Establishment of Prisons

17           (2) Every prison shall include-

18           (a) The grounds and buildings within the prison enclosure and the  
19 adjoining land including all the land surrounding the prisons and its environs

1 as appropriated to be a prison;

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

5 Provided that nothing in this section shall deprive the prison authorities the use  
6 of adjoining land required for other Prison facilities.

7 (3) the Prison land so acquired shall not suffer any structure to be  
8 erected anywhere less than 30 metres from its outer limits

9 (4) The categories of prisons in the Federation are as set out in the  
10 First Column of the First Schedule to this Act and shall be confirmed in each  
11 category in the Second Column thereof

12 (5) The Minister shall by the order, establish a prison, or a separate  
13 order in the Federal Gazette-

14 (a) designate every prison as a prison of a particular category; and

15 (b) for the separation of different classes of prisoners- in prison of  
16 any category, appropriate any part of the prison to particular classes of  
17 prisoners.

18 (6) For the purposes of effecting Corrections, the Controller General  
19 of Prisons may designate any prison or part of a prison appropriated under this  
20 section and cause prisoners to be moved therein whether or not the warrant  
21 issued for their detention named that prison

22 (7) The Headquarters of the Service shall be located at the Federal  
23 Capital Territory, Abuja.

Functions of  
the Service

24 3.-(1) The functions of the Service shall include-

25 (a) taking general custody of all persons legally interned by due court  
26 processes:

27 (b) providing safe, secure and humane custody for prisoners;

28 (c) conveying remand prisoners to and from courts in motorized  
29 formations;

1 (d) identifying the causes of anti-social behaviours of convicted  
2 prisoners;

3 (e) setting in motion mechanism for reforming and rehabilitating  
4 prisoners towards their re-integration into the society;

5 (f) Analysing crime and crime trends in order to evolve treatment  
6 methods compatible to the various regions and cultural structures therein;

7 (g) initiating behavior modification in inmates through the  
8 provision of medical, psychological, uniformed chaplaincy and counselling  
9 services;

10 (h) empowering prisoners through the deployment of vast  
11 educational resources in the prison;

12 (i) provision of opportunities for vocational skills acquisition for  
13 prison inmates and generating revenue in the process;

14 (j) carrying out other functions as may be prescribed by the  
15 National Assembly.

16 (2) Lawyers in the employment of the Service may be deployed to-

17 (a) fast-track trials of case of inmates;

18 (b) educate prisoners of their rights and obligations under the law;

19 (c) render such legal services as the Service may require provided  
20 that such lawyers will not function as defence counsel to inmates;

21 (3) The structure of the Service is as set out in the Second Schedule  
22 to this Act.

23 (4) The Minister, following a recommendation of the Commission,  
24 shall approve the sharing of revenue due to the Service from any enterprise  
25 activity:

26 Provided that a proportion shall be set aside for the inmates  
27 participation in the activity, a sum for the Prison where the activity has taken  
28 place and any surplus shall be paid into the Consolidated Revenue Fund of  
29 the Federation.

Appointment  
of Controller  
General of  
Prisons

1                   4.-(1) There shall be, for the administration of the Service, a  
2 Controller General, Deputy Controllers General and such other subordinates to  
3 the Controller General as may be necessary for the administration of the  
4 Service

5                   (2) The person to be appointed Controller General shall be a senior  
6 prison officer of not below the rank of Assistant Controller General with the  
7 requisite academic qualifications of not less than first degree or its equivalent  
8 professional and management experience.

9                   (3) The persons for the office of the Controller General Prisons shall  
10 be appointed as follows:

11                   (a) Interested persons shall make an open and formal application to  
12 the Prisons Service Commission;

13                   (b) The Commission shall be responsible for screening and selection  
14 of three applications using the stipulated criteria for competence and  
15 qualification;

16                   (c) The President shall appoint the Controller General of Prisons from  
17 the recommendation of the Prisons Service Commission.

18                   (4) The Controller General of Prisons shall not be removed from  
19 office except for gross misconduct, gross violations of the constitution or  
20 demonstrated incapacity to effectively perform the duties of the office

21                   (5) The Controller General of Prisons shall not be removed from  
22 office except:

23                   (a) A report of complaint of gross misconduct or incapacity to perform  
24 has been made against him by any person including the President to the Prisons  
25 Service Commission;

26                   (b) The Commission considers the allegation against him serious and  
27 sets a committee of the Commission to investigate the matter;

28                   (c) The Committee investigates the allegation and after fair hearing  
29 recommends that the person may be removed from office;

30                   (d) The President accepts the recommendation of the Prisons Service

1 Commission and effects the removal.

2 (6) The Deputy Controllers General shall be appointed by the  
3 Prisons Service Commission.

4 (7) Persons appointed under subsection (6) above shall hold office  
5 until retirement or removal by the Prisons Service Commission on account  
6 of gross misconduct or incapacity based on recommendation made by the  
7 Controller General of Prisons.

8 5.-(1) The Controller General of Prisons shall:

9 (a) have the general charge and superintendence of the Service;

10 (b) be the head of the Service and exercise full operational control  
11 over it and all its department and units;

12 (c) exercise the powers and shall perform or cause to be performed  
13 all the duties and functions necessary to give effect to section (4) of this Act;

14 (d) create a platform for interfacing with other security and  
15 criminal justice institutions;

16 (e) subject to subsection 1(a) above-

17 (i) Develop a plan at the beginning of each year stating objectives  
18 of Prisons and Corrections in terms of custody, rehabilitation, corrections,  
19 crime control and prevention strategies to be implemented for that year;

20 (ii) Evolve a common strategy for deployment of officers and  
21 materials to stations according to anticipated challenges;

22 (iii) Develop phased programme of action for energizing the  
23 vocational farm centres for increased productivity and yield;

24 (iv) Evolve a comprehensive plan for inmate training and  
25 productivity in all rehabilitation centres;

26 (v) Evolve a comprehensive plan of action for human resource  
27 development across the broad spectrum of the workforce.

28 (2) The person appointed to the office of the Controller General of  
29 Prisons shall be in office for a single tenure of not more than 4 years.

30 (3) When the Controller General of Prisons is absent from office,

Powers, duties  
and functions of  
the Controller  
General of  
Prisons

1 the most senior Deputy Controller General of Prisons shall act for him and  
2 shall:

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

4 (b) report to the Controller General of Prison upon his return any  
5 matter of importance dealt with by him during such absence.

6 (4) The Controller-General shall establish Zonal Headquarters of the  
7 Service and the State Commands. The zones shall be headed by Zonal  
8 Coordinators:

9 (a) The Zonal Coordinators shall-

10 (i) be officers of the rank of Assistant Controllers-General of Prisons;

11 (ii) have the general charge and superintendence of the State  
12 Commands and the prisons under their zones; and

13 (iii) perform such other functions as may be conferred upon him  
14 under this Act or any other law.

15 (b) The State Commands shall be superintended over by Controllers  
16 of Prisons.

Delegation of  
powers of the  
CGP

17 6.-(1) The Controller General of Prisons may delegate any of his  
18 powers under this Act so that the delegated powers may be exercised by the  
19 delegate with respect to matters specified in the instrument of delegation.

20 (2) Without prejudice to the subsection (1) above and for efficient  
21 administration of the prisons the Controller General of Prisons shall devolve  
22 powers to Zonal Coordinators, State Controllers and prison superintendents.

Establishment  
of Prisons Service  
Commission

23 7. Without prejudice to Cap P12, LFN 2004 or any other existing law,  
24 there is hereby established, under the control of the Office of the Vice President  
25 of the Federal Republic of Nigeria, the Nigerian Prisons and Correctional  
26 Service Commission (in this Act known as "the Commission") which shall be  
27 responsible for the administration of the Prisons Act.

28 8.-(1) The Commission shall comprise-

29 (a) Chairman to be appointed by the President and should be a retired  
30 Senior Prison Officer not below the rank of Controller of Prisons vast in



1 Corrections and Prisons matters;

2 (b) The Minister of Justice or his nominee not below the rank of  
3 Director;

4 (c) A representative of the Nigerian Prisons Service not below the  
5 rank of Assistant Controller General;

6 (d) The Executive Secretary, National Human Rights Commission  
7 or his nominee;

8 (e) The President, Nigerian Bar Association or his nominee;

9 (f) Two representatives of Civil Society Organization one of which  
10 must be from Women Society;

11 (g) Two other persons who must be full time members drawn from  
12 retired Prison officers not less than the rank of Deputy Controller of Prisons  
13 to be appointed by the President.

14 (2) A Member of the Commission other than an *ex-officio* member  
15 shall hold office for a period of four years and may be eligible for re-  
16 appointment for one further period of four years.

17 (3) Notwithstanding the provision of subsection (2) of this section,  
18 a member of the Commission other than an *ex-officio* member-

19 (a) May at any time resign his appointment by giving notice in  
20 writing of his resignation addressed to the Office of the Vice President;

21 (b) Shall vacate his office if the Vice President is satisfied that-

22 (i) The member has absented himself from two consecutive  
23 meetings of the Commission without permission of the Chairman; or

24 (ii) The member by reason of mental or physical infirmity or any  
25 other cause is incapable of discharging the duties of his office.

26 (2) The provision of the Schedule to this Act shall have effect with  
27 respect to the proceedings of the Commission and the other matters therein  
28 mentioned

29 9. The Commission shall be responsible for-

30 (a) general policy formulation for the Nigerian Prisons and

1 Correctional Service as well as with respect to appointments, promotions, and  
2 discipline pursuant to section 3 of this Act;

3 (b) administering the Prisons and Correctional Service Act, and  
4 accordingly, shall, subject to the general control of the Minister, control and  
5 manage the administration of the Prisons laws.

Power of the  
Commission

6 **10.-(1)** The Commission shall have power:

7 (a) to appoint persons to hold or act in all the offices of the Nigerian  
8 Prisons and Correctional Service, including power to make appointments,  
9 promotion, discipline and to confirm appointment;

10 (b) to dismiss and exercise other disciplinary control over persons  
11 appointed pursuant to paragraph (a) of this subsection.

12 (2) The power conferred on the Commission under subsection (2) of  
13 this section, shall, notwithstanding anything to the contrary in any other  
14 enactment, include the power to recommend for appointment and discipline of  
15 the Controller General of the Nigerian Prisons Service.

16 (3) Any member of the Service may elect or be elected to be  
17 transferred or seconded to any other public service of the Federation or Foreign  
18 Service and such right of transfer or secondment shall not operate to the  
19 disadvantage of the officer concerned.

Power to appoint  
administrative  
secretary and  
other staff of  
the Commission

20 **11.** There shall be appointed by the Commission-

21 (a) an administrative secretary of not less than the rank of Director  
22 from the Ministry of Justice, who shall be responsible for the day-to-day  
23 administrative work of the Commission, and perform such other functions as  
24 the Commission may from time to time assign to him; and

25 (b) such other members of the Service as may be deployed to the  
26 Commission by the Controller General of Prisons for a period not more than  
27 three years

Power of  
delegation

28 **12.-(1)** The Commission may, subject to such conditions as it may  
29 think fit, delegate any of its powers under this Act-

30 (a) to the Controller General of Prisons;

1 (b) to a committee consisting of such number of persons, one of  
2 whom shall be named as chairman, as may be prescribed by the  
3 Commission.

4 (2) Notwithstanding subsection (1) of this section or any provision  
5 in this Act, the Commission shall not delegate any of its powers aforesaid in  
6 respect of any office on CONPASS 08 and above.

7 13.-(1) for the purposes of Pension Act, it is hereby declared that  
8 officers and men of the Service shall be entitled to pensions, gratuities and  
9 other retirement benefits as are prescribed in the Pension Act, so however  
10 that nothing in this Act shall prevent the appointment of a person to any  
11 office in terms which preclude the grant of a pension, gratuity or other  
12 retirement benefit in respect of that office

13 (2) For the purposes of the application of the provisions of the  
14 Pension Act, any power exercisable thereunder by a Minister or other  
15 authority of the Government of the Federation, other than the power to make  
16 regulations under section 23 thereof, is hereby vested in and should be  
17 exercised by the Commission and not by any other person or authority

18 14.-(1) Subject to the provisions of this Act, the Commission may,  
19 with the approval of the Vice President, may make recommendations  
20 regulating the general conditions of service, including recommendations  
21 concerning salaries and allowances of the staff of the service.

22 (2) The regulations referred to in subsection (1) above may provide  
23 for-

24 (a) the composition of the membership of any committee  
25 appointed pursuant to this Act;

26 (b) The appointment, promotion and disciplinary control,  
27 including dismissal of staff of the Service;

28 (c) appeals by such staff of the Service against dismissal or other  
29 disciplinary measures; and until such regulations are made, any instrument  
30 relating to the conditions of service of the Public Service of the Federation

1 shall, with such modifications as may be necessary, be applicable to the staff of  
2 the Service.

3 (2) Any regulations made under subsection (1) of this section need not  
4 be published in the Federal Gazette by the Commission shall cause them to be  
5 brought to the notice of all affected persons in such manner as it may from time  
6 to time determine.

7 15. Any person who, immediately before the coming into force of this  
8 Act is the holder of any office in the Service, shall on the commencement of this  
9 Act continue in office and be deemed to have been appointed to his office by the  
10 Commission under this Act

11 16.-(1) The Commission may make standing orders regulating the  
12 proceedings of the Commission or any committee thereof.

13 (2) The quorum of the Commission shall be five and the quorum of  
14 any committee of the Commission shall be determined by the Commission

15 (3) At any meeting of the Commission, the chairman shall preside,  
16 and in his absence, the members present shall elect one of their number to  
17 preside at the meeting

18 (4) The validity of any proceedings of the Commission or a  
19 committee thereof shall not be affected by any vacancy in the membership of  
20 the Commission or committee or by any defect in the appointment of a member  
21 of the Commission or of a person to serve on the committee or by reason that a  
22 person not entitled to do so took part in the proceedings.

23 17.-(1) Subject to subsection (2) of this section, every prisoner  
24 confined in a prison shall be deemed to be in the legal custody of the Prison  
25 Superintendent, and shall be subject to prison discipline and regulations made  
26 under this Act whether or not he is within the precincts of the prison.

27 (2) In the case of a prisoner under sentence of death, the Prison  
28 Superintendent shall at such time on the day on which the sentence is to be  
29 carried out as may be fixed by the sheriff, and from that time until the actual  
30 carrying out of the sentence-

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

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

6 (3) Subject to this Act, the Prison Superintendent is authorized and  
7 required to keep and detain all persons duly committed to his custody by any  
8 court, judge, magistrate, justice of the peace or other authority lawfully  
9 exercising civil or criminal jurisdiction, according to the terms of any  
10 warrant or order by which any such person has been committed until that  
11 person is discharged by due course of law.

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

15 (5) Upon receipt of the notification referred to in subsection  
16 (4) of this section, the Chief Judge of the State or the State Criminal Justice  
17 Committee shall, within a period not exceeding one month, take necessary  
18 steps to rectify the overcrowding.

19 (6) Without prejudice to subsection (4), the State Controller of  
20 Prisons in consultation with the Prison Superintendent, shall have the power  
21 to reject more intake of prisoners where it is apparent that the prison in  
22 question is filled to capacity.

23 **18.** When a person is sentenced, committed or transferred to  
24 prison, the Service shall take reasonable steps to obtain, as soon as  
25 practicable, any-

26 (a) relevant information about the offence and the person's  
27 biometrics and personal history, including the person's psychosocial mental  
28 health status, economic, criminal and young offender's history;

29 (b) reason and recommendation relating to the sentencing or  
30 committal that are given or made by the court that convicted, sentenced or

1 committed the person and any court that hears an appeal from the conviction,  
2 sentence or committal;

3 (c) report relevant to the conviction, sentence or committal that is  
4 submitted to a court mentioned in subparagraph (b) of this section;

5 (d) other information relevant to administering the sentence or  
6 committal, including existing information, from the victim impact, statement  
7 and the transcript of any comment made by the sentencing Judge regarding  
8 serving the sentence;

9 (e) information obtained above in accordance to this section may be  
10 remitted to the relevant government authorities.

Prison Labour

11 19.-(1) Subject to this section, the effect of a sentence of  
12 imprisonment with prison labour passed on a prisoner shall be that the prisoner  
13 shall be imprisoned for the period of the sentence and during his imprisonment  
14 shall work at such labour as may be directed by the Prison Superintendent

15 (2) Without prejudice to subsection (1) any prisoner may be engaged  
16 in such labour as may be required to keep the prison environment clean or for  
17 the general purpose of their wellbeing.

18 (3) The labour referred to in subsection (1) of this section shall take  
19 place within or outside the prison, so far as practicable.

20 (4) The medical officer may order any prisoner to be excused from  
21 labour or to perform light labour, and any prisoner ordered to perform light  
22 labour shall be required to do work for which he is certified by the medical  
23 officer to be fit.

24 (5) This sections without prejudice to any provision of this Act or  
25 regulation made there under providing for the remission of sentences.

Transfer of  
Prisoners

26 20.-(1) The Controller-General of Prisons or anybody acting on his  
27 behalf, may for security or administrative reasons order in writing the transfer  
28 of any prisoner, convicted or un-convicted, to a suitable prison whether or not  
29 the prison is named in the warrant or order of detention and such order by the  
30 officer aforesaid shall be sufficient authority for such transfer:

1 (a) The prison authority shall ensure that any un-convicted  
2 prisoner transferred in accordance with subsection (1) of this section shall be  
3 produced in court as required.

4 (2) Where it appears to the Controller-General of Prisons that-

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

8 (b) by reason of the outbreak within the prison of a disease or for  
9 any other reason, it is desirable to provide for the temporary shelter and safe  
10 custody of any prisoner, the Controller-General of Prisons may, by order  
11 under his hand, direct that as many of the prisoners as may be indicated in the  
12 order shall be kept and detained in a building or place which is outside the  
13 prisons and specified in the order and that building or place shall be deemed  
14 to form part of the prison for the purposes of this Act until the order is cancel  
15 led.

16 (3) Nothing in this Act shall be construed as authorizing the-

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

19 (b) keeping or detaining of a prisoner in a building or place in  
20 which are confined prisoners of a different class from that to which he  
21 except where, for security and other reasons in the opinion of the Prison  
22 authority the conduct of the prisoner requires that he be transferred to a  
23 prison of a different class.

24 21.-(1) Where the presence of a prisoner is required before a court,  
25 the court may issue an order addressed to the Prison Superintendent  
26 requiring the prisoner to be produced before the court in proper custody at  
27 the time and place specified in the order and, by endorsement on the order,  
28 require that person to be brought up again at any adjourned hearing.

29 (2) In subsection (1) of this section, "proper custody" means the  
30 custody of prison officers.

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

5 (4) If the Controller-General receives a request or subpoena that the  
6 presence of a prisoner is required at any place in Nigeria he shall, in writing  
7 under his hand-

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

10 (b) order the prisoner to be taken to that place forthwith, in the case of  
11 a subpoena.

12 (5) A prisoner taken from prison in pursuance of any such order shall  
13 be kept in such custody and shall be deemed to be in lawful custody.

Medical checkup  
in prisons

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

18 (a) shall appoint two or more qualified medical practitioner and  
19 clinical psychologists (one of whom may be the medical officer of the prison)  
20 to inquire into the prisoner's soundness of mind; and

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

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

25 (a) forthwith examine the prisoner inquire as to his soundness of  
26 mind;

27 (b) give their opinion in a written report together with a certificate of  
28 soundness of mind or otherwise to the State Controller, who shall forward the  
29 report to the Controller-General

30 (3) Where a prisoner into whose soundness of mind an inquiry has



1       been made under subsection (1) of this section is under sentence of death, the  
2       following provisions shall apply-

3               (a) the Prison Superintendent shall, as soon as possible, report the  
4       circumstances to the relevant authority who, on receipt of the report, shall  
5       order the execution of the sentence to be suspended until the report of the  
6       medical practitioners has been received;

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

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

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

21      (4) Where a person other than a prisoner under sentence of death is certified  
22      to be of unsound mind under subsection (2) of this section, the following  
23      provisions apply-

24              (a) the Controller-General shall, by order in writing under his  
25      hand addressed to the State Controller, direct that the prisoner be removed  
26      to a suitable mental hospital;

27              (b) the prisoner shall, pursuant to an order made under paragraph  
28      (a) of this subsection and subject to the mental health laws, be detained  
29      therein (or in any other mental hospital to which he may be transferred)  
30      until he is certified by two medical practitioners to be of sound mind or

1 until the sentence of imprisonment to which he is subject determines  
2 whichever first occurs;

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

6 (d) if the prisoner is still detained in a mental hospital when his  
7 sentence of imprisonment is about to be determined, the officer in charge  
8 of the mental hospital shall give such information as may be necessary under  
9 the mental health Laws to secure consideration of the question whether the  
10 prisoner shall be detained under those laws as a person of unsound mind  
11 till the date of the determination of his sentence.

Removal of  
sick prisoners  
to hospital

12 23.-(1) In case of the serious illness of a prisoner confined in a prison  
13 in which there is no suitable accommodation for him, the State Controller, (or,  
14 in an emergency) the Prison Superintendent may, on the certificate of the  
15 medical officer by order under his hand, direct the removal of the prisoner  
16 to a hospital specified in the order

17 (2) Where a prisoner removed to a hospital under subsection (1) of this  
18 section, remains in the hospital, the medical superintendent or other person in  
19 charge of the hospital shall certify at the end of every month that it is in his  
20 opinion necessary that the prisoner should remain in the hospital and shall  
21 transmit this certificate to the Prison Superintendent.

22 (3) The medical officer or other person in charge of a hospital to  
23 which a prisoner has been removed from a prison under subsection (1) of this  
24 section, if in his opinion it is no longer necessary for the prisoner to remain in  
25 the hospital, shall forward to the Prison Superintendent a certificate to that  
26 effect and the Prison superintendent shall cause the prisoner to be returned  
27 to the prison if the prisoner is still liable to be confined.

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

1 (5) All reasonable precautions shall be taken by the medical'  
2 officers and other officers of a hospital to prevent the escape of prisoners  
3 removed there for treatment, and it is lawful for those officers to take  
4 such measures for preventing the escape of prisoners as may be necessary  
5 provided that nothing shall be done under this subsection which is likely to  
6 be prejudicial to the health of a prisoner.

7 (6) Where in view of the gravity of the offence for which a  
8 prisoner is in custody or for any other reason the Prison Superintendent  
9 considers it desirable to take special measures for the security of -the  
10 prisoner under treatment in a hospital-

11 (a) the Prison superintendent may give the prisoner into the charge  
12 of fit and proper persons (nor being less than two in number) one of whom at  
13 least shall always be with the prisoner day and night, or he may place the  
14 prisoner in the charge of a military guard; and

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

21 (7) The powers given to officers or State Authorities under this Act  
22 shall be exercised except with the consent of the State Authority in question  
23 or such other person or authority to whom the power to exercise such  
24 functions has been conferred.

25 24.-(1) Where it appears to the Controller-General that it is in the  
26 public interest or in the interest of the prisoner that a prisoner undergoing  
27 a sentence of imprisonment should on discharge be sent back to the area  
28 in which he has his usual place of abode or the area in which the court  
29 which passed sentence on him has jurisdiction, the Controller-General may,  
30 on the expiry of the sentence, direct that the prisoner shall be sent back to

Repatriation of  
prisoners

1 either of those areas, and may further direct that all necessary and proper  
2 precautions shall be taken to ensure the ex-prisoner's arrival in the area in  
3 question

4 (2) If a prisoner's sentence expires on a public holiday, he shall be  
5 discharged on the immediately preceding day or, if the immediately preceding  
6 day is also a public holiday, on the latest preceding day which is not a  
7 public holiday.

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

12 (4) The State and FCT Controllers shall render monthly returns to the  
13 Chief Judge of the State or FCT of prisoners who have been in lawful custody  
14 awaiting trial.

15 (5) The State or Federal Capital Territory Controller shall prepare a  
16 monthly report of all detainees in his custody and provide such information to  
17 respective Chief Judges and Attorney-General.

Use of firearms  
by prison officer

18 25.-(1) Subject to subsections (4) and (6) of this section, a prison  
19 officer may use firearms, teargas or such other weapons against a prisoner  
20 escaping or attempting to escape, but resort shall not be had to use of such  
21 weapons unless the officer has reasonable grounds to believe that he could not  
22 otherwise prevent the escape

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

28 (3) Subject to subsection (7) of this section, a prison officer may use  
29 weapons against a prisoner using violence to tile officer himself or to any other  
30 prison officer or person if the officer using the weapons has reasonable grounds

1 to believe that he or that other officer or person, as the case may be, is in  
2 danger of life or limb or that other grievous harm is likely to be caused to  
3 him.

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

7 (5) A prison officer in the presence of a superior officer shall not  
8 use weapons of any sort against a prisoner under subsection (3) of this  
9 section except under the orders of the superior officer.

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

12 (7) A police officer who, for the time being is serving as an escort  
13 guard or as a guard in or around a prison for the purpose of ensuring the safe  
14 custody of any prisoner in the prison, shall have all the powers and privileges  
15 granted to prison officers under this section and shall for this cause take  
16 directives from the Prison Superintendent.

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

21 26.-(1) The following shall be prison visitors ex-officio:

Prison visitors  
ex-officio

22 (a) in relation to all prisons, the Chief Justice of Nigeria and other  
23 Justices of the Supreme Court, the President and other Justices of the Court  
24 of Appeal, the Chief Judge and other Judges of the Federal High Court the  
25 Chairman and other Council members of the National Human Rights  
26 Commission, the President of Nigeria Bar Association and other members  
27 of National Bar Executive, the Resident Representative of Non-  
28 Governmental organizations working on Prisons and Penal Reform; and

29 (b) in relation to prisons in their areas of jurisdiction-

30 (i) The Chief Judge and other Judges of the High Court of a State,

- 1 (ii) The Grand Khadi and other Judges of the Shariah Court of Appeal  
2 and the President and other Judges of Customary Court of Appeal exercising  
3 jurisdiction in the State,  
4 (iii) Magistrates and District Court Judges,  
5 (iv) Area Court and Customary Court Judges,  
6 (v) Justice of the Peace,  
7 (vi) Zonal Co-coordinator, National Human Rights Commission,  
8 (vii) Branch Chairman, Nigerian-Bar Association,  
9 (viii) State Chairman, Nigerian Medical Association,  
10 (ix) Legal Aids Council, and  
11 (x) Members of the legislature.

12 (2) The Controller-General may, after consultation with the State  
13 Authority, appoint such persons as he thinks fit to be visitors or members of a  
14 visiting committee of any prison.

Medicals t

15 27. -(1) There shall be in every prison a hospital/clinic which will  
16 cater for the medical needs of the prisoners and staff.

17 (2) Such prison hospitals/clinics shall:

18 (a) be so equipped and funded that they shall take adequate care of the  
19 health need of the prison community;

20 (b) be manned by prison medical doctors assisted by other health  
21 officers such as pharmacists, nurses, psychiatrists, etc.

22 (3) Where there is no medical officer appointed for a prison under  
23 section 3 of this Act, the functions of the medical officer of a prison shall be  
24 performed by the medical officers in the Civil Service of the Federation or a  
25 State as may be directed by the Minister of Health with the concurrence, in the  
26 case of medical officers in the Civil Service of a State, of the State Authority

27 (4) The Minister of Health, with the concurrence of the State  
28 Authority, may authorize a health superintendent or health sister (or the holder  
29 of any corresponding office) in the Civil Service of a State to attend to matters  
30 pertaining to general sanitation in a prison and otherwise to assist the medical

1 officer thereof.

2 28.-(1) There shall be the Prison Officers' Reward Fund into which Prison officers'  
Reward Fund  
3 shall be paid all fines and forfeitures of pay inflicted upon prison officers  
4 for offences against discipline under regulations or standing orders made  
5 under this Act.

6 (2) The Prison Officers' Reward Fund shall be administered  
7 by the Controller- General in accordance with regulations made under  
8 this Act and shall be applied to the purposes of-

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

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

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

16 29.-(1) All convicted prisoners sentenced to 6 months or above in Vocational  
Remedial  
Training  
17 Rehabilitation under this act shall have access any of the following  
18 programmes:

19 (a) Vocational Training in such skills as Carpentry, iron  
20 works/metallurgy, electrical/electronics, shoe/leather works, mechanics

21 (b) Others are animal husbandry, fishery, farm machine repairs,  
22 agricultural extension, etc.

23 (2) Other inmates shall benefit from the following:

24 (a) Adult Remedial Education;

25 (b) Vocational Education;

26 (c) GCE/WASC classes;

27 (d) ICT classes.

28 (3) Tertiary Education through the National Open  
29 University/Prisons Initiative:

30 (a) Where in the opinion of the Prison superintendent, a prisoner

1 awaiting trial is worthy of the academic pursuit provided by the Prisons, he  
2 may allow that un-convicted prisoner to attend these educational classes.

3 A prisoner serving more than six months in prison shall receive such regular  
4 education or vocational training of his or her choice or as the State Controller of  
5 Prisons shall direct

Trafficking in  
Prisons

6 **30.-(1)** Any person who commits any of the offences listed hereunder  
7 shall be guilty of trafficking:

8 (a) brings, throws or otherwise introduces into a prison or gives to or  
9 takes from a prisoner, any alcoholic liquor, tobacco, intoxicating or poisonous  
10 drug or article prohibited by regulations made under this Act,

11 (b) communicates or attempts to communicate with a prisoner  
12 without the permission of the Prison Superintendent,

13 (c) procures or facilitates the procurement of a mobile phone for a  
14 prisoner or makes conversation or aids the making of conversation through  
15 mobile phones to a prisoner, other than as provided in the Prisons Standing  
16 Orders,

17 (d) is found in possession of any article which has been supplied to  
18 prison officer for the execution of his duty or of any other prison property and  
19 fails to account satisfactorily for his possession of the article, or without due  
20 authority purchases or receives any property from a prison officer, or aids or  
21 abets a prison officer to conceal or dispose of any property,

22 (e) by any means directly or indirectly, procures or attempts to  
23 procure or persuade a prisoner to desert, or aids, abets or is an accessory to the  
24 desertion by a prisoner, or having reason to believe that a person is a deserting  
25 prisoner harbours that person or aids in his concealment or rescue,

26 (f) directly or indirectly instigates, commands, counsels or solicits  
27 any mutiny, sedition or disobedience to a lawful command of a senior officer by  
28 a prison officer, or maliciously endeavours to seduce any prison officer from  
29 his allegiance or duty,

30 (g) knowingly harbours in his house or land or otherwise, or



1 knowingly employs any person under sentence of imprisonment who is  
2 illegally at large, or

3 (h) interferes with a prisoner working outside a prison, or allows  
4 such a prisoner to enter any house, yard or other premises (unless it is at the  
5 request of the prison officer or other person in charge of the prisoner), or  
6 assists such a prisoner to absent himself or neglect his work, commits an  
7 offence and is liable on conviction to a fine not exceeding N10,000 or to  
8 imprisonment for a period not exceeding 12 months, or both.

9 (2) A person who appears to a prison officer to have committed an  
10 offence under subsection (1) (a) or (b) of this section who refuses, on the  
11 prison-officer's demand, to give his name and residence or gives a name or  
12 residence which the prison officer knows or has reason to believe to be  
13 false, commits an offence and is liable on conviction to a fine not exceeding  
14 N10,000 or to imprisonment for a period not exceeding 12 months or both

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

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

19 31.-(1) There shall be for the Service money appropriated for Prison ration  
20 inmates feeding as provided for by the government.

21 (2) Subject to subsection (1) of this section, the cost of feeding shall  
22 be reviewed at a period not exceeding 5 years from the date of the last  
23 review.

24 32.-(1) A prison officer from whose lawful custody a prisoner Escape of  
25 escapes commits an offence unless he has taken adequate measures at all prisoners  
26 times to prevent such escape, and the burden of proving that such adequate  
27 measures were taken in the case lies on the prison officer concerned

28 (2) Where the person who escaped from the custody of a prison  
29 officer is under sentence of death or imprisonment for life or is charged with  
30 or has been detained on suspicion of having committed an offence

1 punishable with death or imprisonment for life, the officer concerned commits  
2 a felony and is liable on conviction to imprisonment for seven years and, in any  
3 other case, the prison officer commits a felony and is liable on conviction to  
4 imprisonment for five years:

5 (a) provided it is proven that the escape was as a result of negligence  
6 on the part of the officer in charge as determined by orderly room proceedings.

7 (3) Where a prisoner who escapes from lawful custody is later  
8 rearrested he shall be charged to court or escape from lawful custody and if  
9 convicted shall serve the sentence so imposed at the expiry of current sentence.

10 (4) Where an inmate dies or suffers serious bodily injury, the State  
11 Controller of Prisons shall investigate the incident and report to the Controller-  
12 General who shall inform the Minister.

13 (5) Where the investigation reveals that the injury was caused by the  
14 negligence or unlawful action of a prison officer, the officer shall be dismissed  
15 from Service and, in the case of death of an inmate, the officer shall be  
16 prosecuted.

17 (6) The Minister or a person authorized by the Minister may, subject  
18 to and in accordance with the regulations, pay compensation in respect of the  
19 death or disability of an inmate or person in 211 approved programme or  
20 labour.

Power to make  
regulations and  
Standing Orders

21 **33.-(1)** The Controller-General of Prisons shall, subject to be  
22 approval of the Minister and for the purpose of carrying into effect the  
23 provisions of this Act, make:

24 (a) Regulations with respect to the organization and administration of  
25 prisons; and

26 (b) Standing orders for the good, order, discipline and welfare of  
27 prisoners.

28 (2) The Controller General of Prisons, in consultation with the  
29 Commission, may, make Standing Orders and regulations relating to  
30 deployment to offices in the Service.

1                   34.-(1) The Prisons Act, Cap 478, Laws of the Federation of  
2 Nigeria, 2010 is hereby repealed.

Repeal of  
CAP 478, LFN  
2010

3                   (2) In so far as practicable nothing in this Act shall prevent the use  
4 of existing regulations to Cap 478, LFN 2010.

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

7                   35. In this Act-

Interpretation

8 "Commission" means the Nigerian Prisons and Correctional Service  
9 Commission established under section 4 (1) of this Act;

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

12 "Controller-General" means the Controller-General of Nigerian Prisons and  
13 Correctional Service appointed under section 3 (1) of this Act;

14 "Function" includes power and duty;

15 "Medical officer" in relation to a prison, includes a person directed under  
16 this Act to perform the functions of a medical officer in respect of that  
17 prison;

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

19 "Prison officer" include: a. Commissioned officer, i.e. ASP II to CGP; b.  
20 Non Commissioned officer, i.e. SIP to CIP I, c. Junior Officer, i.e. PA III to  
21 CPA

22 "Prisoner" means my person lawfully committed to a prison custody;

23 "Public Holiday" includes a day which is Saturday, Sunday and any other  
24 day so declared by the Government;

25 "Sentence of imprisonment" means any sentence involving confinement in  
26 a prison (whether or not it is combined with labour of any kind) and may  
27 include a sentence given by way of commutations as well as an original  
28 sentence passed by the court;

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

1 "State" means a State of the Federation and shall include the Federal Capital  
2 Territory;

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

5 "Prisons Superintendent" means the prisons officer for the time being in charge  
6 of the prison.

Citation

7 36. This Bill may be cited as the Nigerian Prisons and Correctional  
8 Services Bill, 2017.

#### EXPLANATORY MEMORANDUM

This Act repeals the Prisons Act Cap. 478 Laws of the Federation of Nigeria, 2010 to address issues that are not provided under that Act.

This Act also establishes clear rules setting out the obligations of the prisons service and rights of prison inmates.

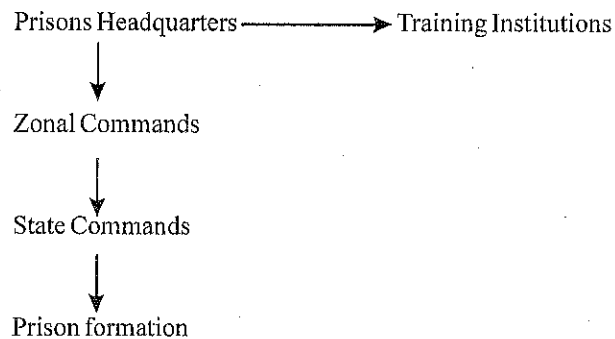
An exclusive Prisons and Correctional Service Commission is necessary because the functions of the Prisons, being peculiar involve keeping a large number of people in continuous custody requiring specialized treatment, attention and focus. It is also necessary because of the entrance of the term "Corrections".

- 1 SCHEDULES
- 2 FIRST SCHEDULE
- 3 CLASSIFICATION OF PRISONS AND PRISONERS
- 4 *High Security Prison:*
- 5 Death Row prisoners, Lifers, Terrorists, Treasonable Felonies, Kidnappers,
- 6 Vandals, Drug Trafficking, Economic and Financial Crimes, Recidivists
- 7 and all others serving ten years sentence and above.
- 8 *Maximum Security Prison:*
- 9 Murder, Armed Robbery, Robbery, Arson, Rape, Drug Trafficking,
- 10 Defilement, Economic and Financial Crimes, Recidivists, and all others
- 11 serving five years sentence and above.
- 12 *Medium Security Prison:*
- 13 Theft, Battery, Fraud and Embezzlement, Forgery, Impersonation, Stealing,
- 14 debtors, civil offenders and all others serving sentences of below five years.
- 15 *Minimum Security Prison:*
- 16 This includes, Open prison, Farm Centres and Satellite prisons.
- 17 *Open Prison:*
- 18 Special prison for the treatment of long term first offenders.
- 19 *Farm Centres:*
- 20 Convicts with good conduct who have six months or less to serve.
- 21 *Satellite Prisons:*
- 22 Provincial Prisons that are very far from main prison, usually keeping
- 23 Awaiting Trial Persons until convictions.
- 24 *Female Prison:*
- 25 Contains all female offenders but must be divided into at least two divisions
- 26 - maximum and medium.
- 27 *Borstal Institutions:*
- 28 For the treatment of juvenile offenders.
- 29 Open Prison or Prison Farm Centre: Well behaved prisoners of any class on
- 30 approval by the Controller General.

- 1 Satellite Prison: Persons on remand, awaiting trial, persons sentenced to
- 2 imprisonment of three months or below.
- 3 Juvenile Institution: Juvenile Offenders
- 4 Lunatic Asylum: All classes of civil and criminal lunatics

## SECOND SCHEDULE

Section 5 (2)



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

1 17. Assistant Inspector of Prisons

2 18. Senior Prison Assistant

3 19. Prison Assistant I, II and III

4 THIRD SCHEDULE

5 *Section 24 (2)*

6 SAVINGS AND TRANSITIONAL PROVISIONS

7 1. All prisons declared under the repealed Prisons Act Cap 478,  
8 Laws of the Federation of Nigeria, 2010 shall be deemed to have been  
9 declared under this Act.

10 2. Subsidiary legislation made or deemed to have been made  
11 under the repealed Prisons Act Cap. 478, Laws of the Federation of Nigeria,  
12 2010 if it was in force immediately before the commencement of this Act,  
13 shall continue in force with necessary modifications and may be amended or  
14 revoked as if it had been made under this Act.

15 3. The rights, assets, obligations and liabilities of the Prison  
16 Officers Reward Fund as established by the repealed Prisons Act Cap. 478,  
17 Laws of the Federation of Nigeria, 2010 shall, at the commencement of this  
18 Act, vest in and devolve upon the Fund as continued by this Act.

19 EXPLANATORY NOTE:

20 (i) The appointment of two (2) retired Prison Officers from the rank  
21 of Deputy Controller of Prisons and above is to ensure that  
22 professionalism is maintained in the policies of the Commission at any given  
23 time;

24 (ii) The two (2) members so appointed shall be permanent  
25 members of the Commission.

26 STANDING COMMITTEES OF THE COMMISSION

27 To facilitate its functions, the Commission shall have three (3) Standing  
28 Committees:

29 (a) Commission Appointment and Promotion Committee (BAPC);

30 (b) Commission Discipline and Sanction Committee (BDSC); and

1 (c) Commission Policy Formulation and General Purposes  
2 Committee (BPFGPC).

3 TENURESHIP OF COMMISSION MEMBERS

4 (i) The Chairman of the Commission shall have tenure of four (4)  
5 years which can be renewed for another term of four (4) years subject to  
6 good performance;

7 (ii) The tenure of the two (2) permanent members shall be for four (4)  
8 years which can be renewed for another four (4) years subject to good  
9 performance;

10 (iii) The terms and conditions of appointment shall be as applicable to  
11 similar appointments in the Federal Republic of Nigeria.

12 (iv) The Secretary of the Commission shall maintain the  
13 Commission's Secretariat and keep all records and proceedings of Commission  
14 meetings.