

A BILL

FOR

AN ACT TO REPEAL SECTION 40 OF THE NIGERIAN CORRECTIONAL SERVICE ACT, 2019 AND PROVIDE FOR, THE ESTABLISHMENT OF PAROLE REGIME, THE ELIGIBILITY FOR THE CONSIDERATION OF PAROLE IN RELATION TO PERSONS SERVING LIFE SENTENCE FOR MURDER, THE ESTABLISHMENT AND COMPOSITION OF THE PAROLE BOARD AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Hassan Nalaraba

[] Commencement

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

- 1 1.-(1) There is hereby established for the purposes of this Bill, a Establishment
- 2 Board to be called the Parole Board (in this Bill referred to as lithe Board") of Parole Board
- 3 which shall consist of such number of persons, not being less than four nor
- 4 more than Twelve, as the Minister may appoint from time to time.
- 5 (2) The Board shall consist of the following persons to be
- 6 appointed by the Minister:
- 7 (a) a Chairman who shall be a Justice of the Federal High Court
- 8 upon recommendation from the Chief Justice of Nigeria;
- 9 (b) the Controller General of Nigerian Correctional Service;
- 10 (c) a representative of the ministry responsible for youth and social
- 11 development not below the rank of a Deputy Director;
- 12 (d) Three other members to include:
- 13 (i) a representative of the Nigerian Bar Association;
- 14 (ii) a representative of the Nigeria Police;
- 15 (iii). a registered medical practitioner, who as far as practicable
- 16 should be a psychiatrist; and
- 17 (e) two other persons who have knowledge and experience in the
- 18 supervision or after care of discharged prisoners, or who have made a study

1 of the causes of delinquency or the treatment of offenders:

2 Provided that at least one member of the Board shall be appointed
3 from each of the following five categories:

4 (a) persons who hold or have held judicial office as:

5 (i) a Judge of the Court of Appeal; or

6 (ii) a Judge of the Supreme Court; or

7 (iii) a Magistrate;

8 (b) persons connected with the administration of Correctional
9 services, being:

10 (i) the Controller of Correctional service; or

11 (ii) a nominee of the Controller General of Nigerian Correctional
12 Service;

13 (c) persons appearing to the Minister to be interested in the
14 rehabilitation of prisoners, being:

15 (i) a psychiatrist or psychologist; or

16 (ii) a social worker or criminologist; or

17 (iii) a representative of the Nigerian Supreme Council for Islamic
18 Affairs and the Christian Association of Nigeria; or

19 (d) a retired police officer not below the rank of Commissioner of
20 Police;

21 (e) an ex-inmate who in the opinion of the Minister has been
22 rehabilitated.

23 (3) The Board shall appoint a person whom it considers suitable for
24 appointment as such to be Secretary to the Board.

25 (4) The provisions of the First Schedule shall have effect as to the
26 proceedings of the Board and otherwise in relation thereto.

Functions of
the Board

27 **2.-(1)** The functions of the Board shall be:

28 (a) to receive and consider applications for parole and to grant or
29 reject such applications;

30 (b) to issue summons requiring the appearance before the Board of

1 any parolee or applicant for parole or such witnesses as the Board may
2 consider necessary for the purposes of this Bill;

3 (c) to revoke or suspend parole in respect of any parolee;

4 (d) to review the cases of inmates serving life sentences or inmates
5 in respect of whom a sentence of death has been commuted to life
6 imprisonment for the purpose of determining whether or not to grant parole
7 to such inmates;

8 (e) to issue a certificate to a parolee upon the termination of any
9 parole period;

10 (f) to make reports to the Minister, at such intervals as the Minister
11 may prescribe, upon the operation of this Board;

12 (g) to carry out such other functions as the Minister may direct as
13 being, in his opinion, necessary for the purposes of this Bill.

14 (2) In considering any case for parole, the Board may request any
15 person, including the offender himself, to provide information or to make
16 representations which in the Board's opinion, may be of assistance in
17 reaching a decision.

18 (3) In considering any case for parole, the Board shall take into
19 account:

20 (a) the nature and circumstances of the offence for which the
21 applicant was convicted and sentenced;

22 (b) the sentence imposed by the court and any comments made by
23 the court when the sentence was Imposed;

24 (c) the safety of the public, and of any person or class of persons
25 who may be affected by the release of the offender;

26 (d) any representations made by the victim of the offence or any
27 person acting on his behalf, or of the relatives of the victim of the offence, or
28 anyone acting on their behalf;

29 (e) any representations made by the offender or any person acting
30 on his behalf;

1 (f) the welfare of the offender and his reformation and training while
2 in the prison;

3 (g) the probable circumstances of the offender if released, especially
4 the likelihood of his peaceful reintegration into society;

5 (h) the likely response of the offender to supervision by the parole
6 officer;

7 (i) the reasonable probability that the offender will live and remain at
8 liberty without violating laws, and many other factor that the Board may
9 consider relevant in reaching a decision.

State parole
committees

10 **3.**(1) For the purposes of this Bill, the Minister may appoint a state
11 parole committee in each state.

12 (2) Subject to the provisions of this Bill, the functions of each
13 committee aforesaid shall be:

14 (a) to carry out investigations into any matter referred to it by the
15 Board in connection with any matter being dealt with by the Board and to report
16 its findings to the Board;

17 (b) to make such recommendations to the Board as the committee
18 may deem necessary as a result of any investigation carried out by it under
19 paragraph (a);

20 (c) to carry out such other functions as the Minister may direct as
21 being, in his opinion, necessary for the purposes of this Bill.

22 (3) The provisions of the Second Schedule shall have effect as to the
23 constitution of the committee for each state and otherwise in relation thereto.

Eligibility for
parole

24 **4.**(1) Subject to the provisions of this clause, other than an inmate
25 sentenced to death or is serving a sentence under capital punishment, every
26 correctional service inmate serving a sentence of more than twelve months
27 shall be eligible for parole after having served a period of one-third of such
28 sentence or twelve months, whichever is the greater.

29 (2) Notwithstanding the provisions of sub-clause (1) where
30 concurrent sentences have been imposed on an inmate, such inmate shall be

1 eligible for parole in respect of the longest of such sentences, after having
2 served one-third of the period of that sentence or twelve months, whichever
3 is the greater.

4 (3) Where consecutive sentences have been imposed on an inmate,
5 such inmate shall be eligible for parole after having served one-third of the
6 aggregate of such sentences or twelve months, whichever is the greater.

7 (4) Subject to sub-clauses (5) and (6), an inmate:

8 (a) who has been sentenced to imprisonment for life, or

9 (b) in respect of whom-

10 (i) a sentence of death has been commuted to life imprisonment;

11 and

12 (ii) no period has been specified pursuant to clause 7, shall be
13 eligible for parole after having served in period of not less than seven years.

14 (5) Subject to sub-clause (6), an inmate who has been sentenced to
15 imprisonment for life, or for a period of fifteen years or more, for:

16 (a) any offence relating to section 28 of the Firearms Act CAP 146
17 LFN 2004;

18 (b) any of the following:

19 (i) shooting with intent to cause grievous bodily harm or with intent
20 to resist or prevent the lawful apprehension or detainer of any person; or

21 (ii) wounding with intent, with use of a firearm, committed after
22 the coming into operation of this Bill, shall be eligible for parole after having
23 served a period of not less than ten years; or

24 (iii) serious offender

25 (6) Upon the expiration of:

26 (a) a period of ten years,

27 (b) the period specified pursuant to this Bill or Sections 5 and 43 of
28 the Violence Against Persons (Prohibition) Act, whichever is the greater, the
29 Board shall review the cases of inmates who are serving a sentence of life

1 imprisonment for the purpose of deciding whether or not to grant parole to
2 them.

3 (7) In relation to a person who had been convicted of murder
4 committed before the date of commencement of the Violence Against Persons
5 (Prohibition) Act, 2015, and sentenced to imprisonment for life, the Board
6 shall, upon the expiration of:

7 (a) a period of ten years; or

8 (b) the period specified by the court as the period which that person
9 should serve before becoming eligible for parole, whichever is the greater,
10 review the case for purpose of deciding whether or not to grant parole to him.

Grant of parole

11 5.-(1) An inmate eligible for parole pursuant to clause 4, may make
12 written application to the Board for the grant of parole and may make such
13 written representations in support thereof as he thinks fit.

14 (2) Every such application shall be forwarded to the Board by the
15 Correctional Officer and shall state:

16 (a) the full name and age of the applicant;

17 (b) the nature of the offence of which the applicant was convicted and
18 sentenced;

19 (c) any other information on which the applicant relies in support of
20 his application; and

21 (d) such other information as may be prescribed.

22 (3) The Superintendent or Officer in charge shall furnish to the Board:

23 (a) a case history of the applicant; and

24 (b) a copy of a report by the Correctional officer on the conduct of the
25 applicant while in prison, and

26 (c) a copy of a report containing an opinion by a psychiatrist or
27 psychologist or such other person as may be designated by the Minister, as to
28 whether the applicant is, at the time of his application, fit to be released on
29 parole.

30 (4) The Board shall, for the purposes of this clause:

1 (a) if it thinks necessary, direct the appropriate state parole
2 committee to carry out investigations in relation to the application;

3 (b) fix a time and place for the hearing of the application; and

4 (c) send to members of the appropriate state parole committee, not
5 less than seven days before the date of such hearing, written notice of the
6 hearing and copies of the case history of, and reports on, the applicant.

7 (5) Hearings by the Board shall be held in camera and if the Board
8 sees fit, each applicant may be given permission to appear before it.

9 (6) The Board shall, for the purpose of deciding whether or not to
10 grant parole to an applicant, take into account the following:

11 (a) the nature and circumstances of the offence for which the
12 applicant was convicted and sentenced;

13 (b) remarks (if any) made by the Judge at the time of sentencing;

14 (c) the information contained in the reports mentioned in
15 subsection (3); and

16 (d) any report made by a state parole committee.

17 (7) The Board shall grant parole to an applicant if the Board is
18 satisfied that:

19 (a) he has derived maximum benefit from imprisonment and he is,
20 at the time of his application for parole, fit to be released from the prison on
21 parole;

22 (b) the reform and rehabilitation of the applicant will be aided by
23 parole; and

24 (c) the grant of parole to the applicant will not, in the opinion of the
25 Board, constitute a danger to society.

26 (8) Where the Board decides to grant parole to an applicant the
27 Board shall, within ten days of the date of such decision:

28 (a) give written notice of the decision to the applicant and the
29 Controller; and

30 (b) make a parole order in respect of the applicant and send a copy

1 of such parole order to the Controller.

2 (9) In this clause "appropriate state parole committee" means the state
3 parole committee which, in the opinion of the Board, is likely to have the
4 closest connection with the applicant if he is released on parole.

Parole order

5 6. A parole order shall have effect for the parole period which shall be
6 specified therein, and shall require the parolee to submit during that period to
7 the supervision of a parole officer appointed for or assigned to the state in
8 which the parolee will reside during the parole period, and shall contain such
9 requirements as the Board considers necessary for securing the supervision of
10 the parolee, and such additional requirements as to residence and other matters
11 as the Board considers necessary for securing the reform and rehabilitation of
12 the parolee.

Suspension of
parole

13 7.-(1) The Board shall suspend parole in respect of any parolee if
14 during the parole period the parolee is convicted of any offence punishable by
15 imprisonment without option of a fine for a period which does not involve
16 forfeiture of parole under clause 13.

17 (2) The Board may suspend parole in respect of a parolee for any
18 period during which investigations are being carried out into:

19 (a) an indictable offence which such parolee is alleged to have
20 committed: or

21 (b) any breach by that parolee of any of the conditions of parole.

22 (3) For the purposes of sub-clauses (1) and (2), the Board may carry
23 out such investigations as it may deem necessary.

24 (4) Where the Board intends to suspend parole the Board shall, within
25 a reasonable time, give written notice of such intention to:

26 (a) the Controller of Nigerian Correctional Service;

27 (b) the parolee in respect of whom an order for the suspension of
28 parole is to be made; and

29 (c) the superintendent or officer in charge.

30 (5) The Court before which the parolee mentioned in sub-clause (1) is

1 convicted shall, in passing sentence, state whether the sentence in respect of
2 the offence mentioned in that sub-clause shall be concurrent with or
3 consecutive to the sentence in respect of which parole was granted.

4 **8.**-(1) Where a parolee commits a breach of the conditions of his Revocation of
5 parole order, the Board may, after investigating the circumstances parole
6 surrounding such breach, revoke the parole granted to such parolee.

7 (2) The Board may revoke the parole granted to a parolee if the
8 Board is of the opinion that such revocation is in the interest of the parolee or
9 in the public Interest.

10 (3) Where the Board decides to revoke the parole granted to a
11 parolee, the Board shall give written notice of such decision to the parolee.

12 **9.**-(1) Where the parole granted to a parolee has been suspended or Effect of
13 revoked, the parole order in respect of such parolee shall cease to have effect suspension or
14 and the parolee shall forthwith upon being notified of such revocation or revocation of
15 suspension, as the case may be, return to the correctional service from which parole
16 he was released on parole and if the parolee fails to do so, the chairman shall
17 issue a warrant addressed to any police officer for the arrest of the parolee
18 who shall, upon such arrest, be returned to the Prison from which he was
19 released on parole.

20 (2) Where a parolee is returned to a correctional service in
21 accordance with subsection (1), the period spent by that parolee in the
22 correctional service while his parole is suspended or revoked, as the case
23 may be, shall be counted as a part of the sentence in respect of which parole
24 was granted and shall be taken into account together with any remission
25 earned by the parolee for the purpose of determining the date of the
26 expiration of such sentence.

27 **10.**-(1) Where at any time during the parole period it appears to the Power of
28 chairman that the immediate recall of a parolee is necessary in the public Chairman to issue
29 interest the chairman may, notwithstanding any other provisions of this Bill, warrant recalling
30 issue a warrant addressed to any police officer for the arrest of such parolee parolee in the
public interest

1 who shall, upon such arrest, be returned to the correctional service from which
2 he was released on parole.

3 (2) Where a parolee is arrested pursuant to sub-clause (1):

4 (a) subject to paragraph (c), the parole shall be revoked;

5 (b) the provisions of sub-clause (2) of clause 11 shall apply in like
6 manner as they apply in relation to a parolee returned to a correctional service
7 pursuant to sub-clause (1) of that clause; and

8 (c) the chairman shall as soon as practicable make a report to the
9 Board indicating the circumstances of the case; and thereupon nothing in sub-
10 clause (1) shall be deemed to prevent the Board from exercising any of its
11 powers under this Bill.

Forfeiture of
parole

12 **11.**-(1) A parolee who, during the parole period, is convicted of an
13 offence punishable by imprisonment for two years or more, thereby forfeits his
14 parole and such forfeiture shall take effect from the date of the conviction.

15 (2) If such parolee appeals against the conviction and the conviction is
16 quashed, the forfeiture shall be set aside.

17 (3) The Court before which the parolee mentioned in sub-clause (1) is
18 convicted shall state whether the sentence in respect of the offence mentioned
19 in that sub-clause shall be concurrent with or consecutive to the sentence in
20 respect of which parole is being forfeited.

Certificate to be
sent to Board

21 **12.** Where a parolee is convicted of an offence during the parole
22 period, the Court before which he is tried or the Court of Appeal, as the case
23 may be, shall send to the Board a certificate stating the details of the offence
24 and sentence.

Re-application

25 **13.**-(1) An inmate whose application for parole has been refused may
26 re-apply for parole after the expiration of twelve months from the date of the
27 refusal or such lesser period as may be determined by the Board.

28 (2) A parolee in respect of whom parole has been suspended or
29 revoked may re-apply for parole after the expiration of twelve months from the
30 date of such suspension or revocation as the case may be, or such lesser period

1 as may be determined by the Board.

2 (3) A parolee who forfeits his parole shall not be entitled to re-apply
3 for parole in relation to the sentence respect of which parole is forfeited.

4 **14.**-(1) Subject to sub-clause (2), the grant of parole shall not affect
5 the earning of remission by a parolee pursuant to the Nigerian Correctional
6 Service Act, 2019 and rules made thereunder.

Parole at
remission of
sentence

7 (2) Sub-clause (1) shall not prevent the making of rules under the
8 Nigerian Correctional Service Act to provide that a parolee who forfeits
9 parole or whose parole is suspended or revoked shall also forfeit the whole
10 or any prescribed part of remission under that Act.

11 **15.**-(1) The parole period shall be counted as a part of the sentence
12 in respect of which parole was granted and shall be taken into account
13 together with any remission earned by the parolee for the purpose of
14 determining the date of the expiration of such sentence.

Computation of
sentence and
prerogative of
mercy

15 (2) The Board may, if circumstances so warrant, recommend to the
16 President or Governor that consideration be given, on the recommendation
17 of the Supreme Court in accordance with section 175 of the 1999
18 Constitution of Nigeria (as amended), to the question of the exercise of the
19 prerogative of mercy in relation to any parolee.

20 **16.** Parole shall be terminated in the following cases:

Termination of
Parole

21 (a) upon the expiration of the parole period;

22 (b) upon revocation under clause 8 or 10;

23 (c) upon forfeiture under clause 11.

24 **17.**-(1) The Controller General of Nigerian Correctional Service
25 shall assign a sufficient number of officers qualified by character and
26 experience to be parole officers for the purposes of this Bill.

Assignment of
parole officers

27 (2) A parole officer is required to,

28 (a) supervise all offenders placed under his supervision with a view
29 to assisting their rehabilitation and preventing the commission of further
30 offences, and

1 (b) perform such other duties as may from time to time be directed by
2 the Board.

3 (3) The functions conferred on a parole officer in relation to the
4 supervision of an offender while on parole may be discharged by a correctional
5 service officer or a social worker, or by a person who in the opinion of the
6 Board is a fit and proper person to undertake supervision and control of the
7 offender while on parole.

8 (4) In the exercise of his powers and duties under this Bill, a parole
9 officer has the powers, protection and privileges of a prison officer.

10 (5) A parolee or his parole officer may at any time apply to the Board
11 for the remission, suspension or variation of any general or special condition of
12 parole.

13 (6) A parole officer may apply to the Board for the imposition of any
14 additional condition of parole in respect of any parolee under his supervision.

15 (7) A parole officer may, and when required by the Board, shall:

16 (a) report to the Board on the character and personal history of any
17 parolee or offender undergoing a sentence of imprisonment, with a view to
18 assisting the Board in determining the most suitable method of dealing with the
19 case, and

20 (b) in such report, advise the Board whether the offender would be
21 likely to respond satisfactorily to parole and whether any special condition of
22 parole should be imposed.

Annual Report
from Prison

23 **18.** The Superintendent or officer in charge or any other person
24 authorized by him in that behalf shall submit an annual report in the prescribed
25 form to the Board within two months after the end of each year, on the general
26 condition of every offender who is undergoing:

27 (a) imprisonment for life; and

28 (b) any other sentence of imprisonment of one year or more.

Offences

29 **19.** Any person who:

30 (a) interferes with or hinders or attempts to interfere with or hinder or

1 incites or aids any other person to do anything which will in any way
2 interfere with or hinder the Board in the exercise of its functions under this
3 Bill; or

4 (b) offers or attempts to offer any money or other inducement to
5 any member of the Board with intent to influence a decision of the Board in
6 favour of that person or any other person; or

7 (c) makes any false representation to the Board or knowingly or
8 wilfully gives any false evidence to the Board in respect of any matter being
9 dealt with by the Board; or

10 (d) fails to attend before the Board in accordance with a summons
11 issued by the Board under this Bill or refuses to give evidence pursuant to
12 such summons; or

13 (e) without lawful excuse, refuses to answer any lawful question
14 put to him by the Board in connection with any matter being dealt with by the
15 Board; or

16 (f) publishes or attempts to publish without the prior permission of
17 the Board, a report on the proceedings of the Board or on any matter being
18 dealt with by the Board, shall be guilty of an offence against this Bill and
19 shall be liable on summary conviction before a Magistrate Court to a fine not
20 exceeding N1,000,000 or to imprisonment for a term not exceeding six
21 months or to both such fine and imprisonment.

22 **20.** The Minister in consultation with the Controller General of Regulations
23 Nigerian Correctional Service may make rules prescribing:

24 (a) the after-care programmes to be conducted for the purposes of
25 this Bill;

26 (b) the duties of parole officers;

27 (c) the form of reports required by this Bill to be made;

28 (d) the form of certificate to be issued to a parolee upon the
29 termination of the parole period;

30 (e) the conditions which may be included in a parole order;

	1	(f) the procedure for revocation of parole by the Board;
	2	(g) generally for the better carrying out of the provisions or purposes
	3	of this Bill.
Repeal	4	21. Section 40 of the Nigerian Correctional Service Act, 2019 is
	5	hereby repealed.
Interpretation	6	21. In this Bill:
	7	"the Board" means the Parole Board established under clause 1;
	8	"chairman" means the chairman of the Board;
	9	"functions" includes powers and duties;
	10	"Minister" means Minister responsible for Justice;
	11	"parole" means the authority granted to an inmate under the provisions of this
	12	Bill to leave the Correctional service in which he is serving a sentence and to
	13	spend a portion of the period of that sentence outside of the Correctional
	14	service, "parolee" means any person to whom parole is granted under this Bill;
	15	"parole officer" means any person assigned to perform the duties of parole
	16	officer pursuant to clause 17;
	17	"parole order" means an order made by the Parole Board under clause 6;
	18	"parole period" means the period during which an inmate is placed on parole;
	19	"sentence" means any sentence of imprisonment, whether with or without hard
	20	labour, but does not include a sentence of preventive detention or the detention
	21	of a person sentenced under the Juveniles law, whether or not serving the
	22	sentence in an adult correctional centre;
	23	"serious offender" means an offender who is convicted of an offence for which
	24	the penalty is:
	25	(a) death;
	26	(b) imprisonment for life; or
	27	(c) deprivation of liberty for a period of two years or more, and
	28	includes an offence listed in the Third Schedule.
	29	"state parole committee" means a committee appointed pursuant to clause 3;
	30	"the Superintendent," means the Superintendent under the Nigerian

1 Correctional Service Act or office in charge of a correctional service facility
2 in which an applicant for parole is serving a sentence.

3 **22.** This Bill may be cited as the Parole Bill, 2020.

Citation

4 FIRST SCHEDULE

5 *[Clause 1]*

6 THE PAROLE BOARD

7 *Constitution of Board*

8 *Seal*

9 1.-(1) The Board shall have a seal which shall be kept in the
10 custody of the chairman or the secretary and shall be affixed to instruments
11 pursuant to a resolution of the Board in the presence of the chairman or any
12 other member of the Board and the secretary.

13 (2) The seal of the Board shall be authenticated by the signature of
14 the chairman or a member of the Board authorised to act in that behalf and
15 such seal shall be officially and legally recognized.

16 (3) All documents, other than those required by law to be under
17 seal, made by, and all decisions of, the Board may be signified under the
18 hand of the chairman or any other member authorised to act in that behalf or
19 the secretary.

20 *Tenure of office members*

21 2. Subject to the provisions of the Bill, the appointment of
22 members of the Board in Clause 1(2) (d) shall be for a period of 5 years and
23 may be eligible for re-appointment as may be determined by the Minister.

24 *Chairman*

25 3. In the case of the absence or inability to act at any meeting of the
26 chairman or a person appointed to act in that capacity, the other members at
27 the meeting shall elect one of the members to act as chairman at that
28 meeting.

29 *Temporary appointments*

30 4. The Minister may appoint any person to act temporarily in the

1 place of any member in the case of the absence or inability to act of that
2 member.

3 *Filling of vacancies*

4 5-(1) If any vacancy occurs among the members of the Board, such
5 vacancy shall be filled by the appointment of another member who shall,
6 subject to the provisions of this Schedule, hold office for the remainder of the
7 period for which the previous member was appointed.

8 (2) In the making of appointments pursuant to this paragraph, regard
9 shall be had to the requirements of paragraph 1(2) of this Schedule.

10 *Resignations*

11 6-(1) A member other than the chairman and any other ex-officio
12 member may at any time resign his office by instrument in writing addressed to
13 the Minister and such resignation shall take effect as from the date of the receipt
14 by the Minister of the instrument.

15 (2) such letter of resignation shall be addressed to the Minister and
16 transmitted through the chairman and from the date of the receipt by the
17 Minister of such instrument such member shall cease to be a member of the
18 Board.

19 *Revocation of appointments*

20 7. The Minister may at any time revoke the appointment of any
21 member other than the ex-officio member(s) of the Board.

22 *Publication of membership*

23 8. The names of all members of the Board as first constituted and
24 every change in membership shall be published in the Gazette.

25 *Procedure and meetings*

26 9-(1) The Board shall meet at such times as may be necessary or
27 expedient for the transaction of its business and such meetings shall be held at
28 such places and times and on such days as the Board shall determine.

29 (2) Minutes in proper form of each meeting of the Board shall be kept.

1 (3)The decisions of the Board shall be by a majority vote and shall
2 be in writing.

3 (4) The chairman or, in the case of the absence or inability to act of
4 the chairman or the person appointed or elected to act as chairman in
5 accordance with the provisions of sub-paragraph (2) or (3) of paragraph 3
6 (as the case may be), shall preside at the meetings of the Board, and when so
7 presiding shall, in addition to an original vote, have a casting vote in any
8 case in which the voting is equal.

9 (5) The quorum of the Board shall be 8.

10 (6.) Subject to the provisions of this Schedule, and any rules made
11 by the Minister, the Board may regulate its own proceedings.

12 (7)The validity of any proceedings of the Board shall not be
13 affected by any vacancy amongst the members or by any defect in the
14 appointment of a member.

15 *Remuneration of members*

16 10. There shall be paid to the chairman and members such
17 remuneration, whether by way of honorarium, salary or fees, and such
18 allowances as the Minister may determine.

19 *Protection of members*

20 11. No action, suit, prosecution or other proceedings shall be
21 brought or instituted personally against any member of the Board in respect
22 of any act done bonafide in pursuance or execution or intended execution of
23 the provisions of this Bill.

24 SECOND SCHEDULE

25 *Clause 3(3)*

26 STATE PAROLE COMMITTEES

27 *Constitution of State Parole Committees*

28 1. A State Parole Committee (hereinafter referred to as lithe
29 committee") shall consist of such number of persons, not being less than
30 three or more than five as the Minister may from time to time appoint, who

1 are in the opinion of the Minister, persons appearing to be interested in the
2 rehabilitation of inmates.

3 *Tenure of office of members*

4 2.-(1) The appointment of a member of the committee shall, subject to
5 the provisions of this Schedule, be for a period not exceeding three years, and
6 such member shall be eligible for re-appointment.

7 (2) The Minister may at any time revoke the appointment of any
8 member of the committee.

9 *Temporary appointment*

10 3. The Minister may appoint any person to act temporary in the place
11 of any member of the committee in the case of the absence or inability to ac of
12 such member.

13 *Chairman*

14 4. The Minister shall appoint one of the members of the committee to
15 be chairman thereof.

16 *Resignations*

17 5.-(1) Any member of the committee other than the chairman may at
18 any time resign his office by instrument in writing addressed to the Minister
19 and transmitted through the chairman, and from the date of the receipt by the
20 Minister of such instrument, such member shall cease to be a member of the
21 committee.

22 (2) The chairman may at any time resign his office by instrument in
23 writing addressed to the Minister and such resignation shall take effect as from
24 the date of the receipt by the Minister of such instrument.

25 *Filling of vacancies*

26 6. If any vacancy occurs in the membership of the committees, such
27 vacancy shall be filled by the appointment of another member.

28 *Publication of membership*

29 7. The names of all members of the committee as first constituted and
30 every change in the membership thereof shall be published in the Gazette.

1 *Procedure and meetings*

2 8.-(1) The committee shall meet at such times as may be necessary
3 or expedient for the transaction of its business and such meetings shall be
4 held at such places and times as the committee may determine.

5 (2) The chairman may at any time call a special meeting of the
6 committee and shall call a special meeting within 2weeks of the receipt of a
7 written requisition for that purpose addresses to him by any two members of
8 the committee.

9 (3) The chairman shall preside at meetings of the committee, and in
10 the case of the absence of the chairman from a meeting, the members present
11 and constituting a quorum shall elect one of them to preside at that meeting.

12 (4) The quorum of the committee shall be three.

13 (5) The decision of the committee shall be a majority of votes, and
14 in addition to an original vote the chairman or other person presiding at a
15 meeting shall have a casting vote in any case in which the voting is equal.

16 (6) Minutes in proper form of each meeting of the Board shall be
17 kept.

18 (7) The validity of the proceedings of the committee shall not be
19 affected by any vacancy amongst the members thereof, or by any defect in the
20 appointment of a member thereof.

21 *Remuneration*

22 9. There shall be paid to the chairman and members such
23 remuneration, whether by way of honorarium, salary or fees, and such
24 allowances as the Minister may determine.

25 *Protection of members*

26 10. No action, suit, prosecution or other proceedings shall be
27 brought or instituted personally against any member of the Board in respect
28 of any act done bonafide in pursuance or execution or intended execution of
29 the provisions of this Bill.

1 THIRD SCHEDULE

2 [Clause 4]

3 *Serious Offender Specified Offences*4 1. Murder, attempt to commit murder, manslaughter, dangerous harm,
5 maim and grievous harm

6 2. Offences against the State

7 3. Terrorism, terrorist financing and related offences

8 4. Blackmail, kidnapping, extortion, hostage taking and insider
9 trading10 5. Robbery, aggravated burglary and theft (where that theft involves
11 property valued more than N500,000)

12 6. Counterfeiting, forgery and fraud

13 7. Cyber related crime

14 8. Illicit trafficking in stolen and other goods

15 9. Offences under the Dangerous Drugs Act

16 10. Offences under the Firearms Act

17 11. Offences under the Trafficking in Persons (Prohibition) Law
18 Enforcement and Administration Act

19 12. Sexual Offences under the Criminal Code

20 13. Offences under the Administration of Criminal Justice Act.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal Section 40 of the Nigerian Correctional Service Act, 2019 and provide for, the establishment of parole regime, the eligibility for the consideration of parole in relation to persons serving life sentence for murder, the establishment and composition of the Parole Board.