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<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
9	Nigerian Correctional Service Act, 2019	A221-253

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NIGERIAN CORRECTIONAL SERVICE ACT, 2019



ARRANGEMENT OF SECTIONS

SECTION :

1. Establishment of Nigerian Correctional Service.
2. Objectives of the Act.
3. Appointment of Controller-General of Correctional Service.
4. Powers, duties and functions of the Controller-General.
5. Power to delegate.
6. Removal of Controller-General.
7. Appointment and removal of Deputy Controllers-General.
8. Structure of Correctional Service.

PART I—CUSTODIAL SERVICE

9. Establishment and classification of Custodial Service.
10. Functions of the Custodial Service.
11. Pensions.
12. Custody of inmates.
13. Documentation of inmates.
14. Reformation and rehabilitation of inmates.
15. Inmate labour.
16. Transfer of inmates.
17. Production of inmates before a court.
18. Detention of awaiting trial persons.
19. Transportation of inmates upon discharge.
20. Use of firearms.
21. Visitors and inspection of Custodial Centres.
22. Functions of visitors of Custodial Centre.
23. Healthcare services in Custodial Centres.
24. Mental health of inmates.
25. Removal of sick inmates to the hospital.
26. Correctional Officers Reward Fund.
27. Staff training.
28. Security of Custodial Centres.
29. Acts detrimental to the security of Custodial Centres.
30. Inmates ration and welfare.
31. Escape of an inmate.
32. Inmates serious bodily injury and death in custody.

33. Power to make regulations and standing orders.
34. Female inmates.
35. Juvenile offenders.
36. Legal action against Correctional Service.

PART II—NIGERIAN NON-CUSTODIAL SERVICE

37. Nigerian Non-Custodial Service.
38. The functions of National Committee on Non-Custodial Measures.
39. Regulations and guidelines.
40. Parole.
41. Probation.
42. Community service.
43. Restorative justice measures.
44. Funding of non-custodial measures.
45. Repeal of Cap P29, LFN, 2004.
46. Interpretation.
47. Citation.

SCHEDULES

NIGERIAN CORRECTIONAL SERVICE ACT, 2019

ACT No. 9

AN ACT TO REPEAL THE PRISONS ACT CAP. P29 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN CORRECTIONAL SERVICE ACT TO MAKE PROVISION FOR THE ADMINISTRATION OF PRISONS AND NON-CUSTODIAL MEASURES IN NIGERIA ; AND RELATED MATTERS

[31st July, 2019]

Commence-
ment.

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

1.—(1) There is established for the Federation, the Nigerian Correctional Service (in this Act referred to as “the Correctional Service”) to provide custodial and non-custodial services.

Establishment
of Nigerian
Correctional
Service.

(2) The Correctional Service shall consist of—

(a) Custodial Service ; and

(b) Non-Custodial Service.

(3) There shall be for the administration of the Correctional Service—

(a) a Controller-General ;

(b) a minimum of eight Deputy Controllers-General, one of whom is responsible for the Non-Custodial Service ; and

(c) such other subordinates to the Controller-General as may be necessary for the administration of the Correctional Service.

(4) The National Headquarters of the Correctional Service shall be in the Federal Capital Territory.

2.—(1) The objectives of the Act are to—

Objectives
of the Act.

(a) ensure compliance with international human rights standards and good correctional practices ;

(b) provide enabling platform for implementation of non-custodial measures ;

(c) enhance the focus on corrections and promotion of reformation, rehabilitation and reintegration of offenders ; and

(d) establish institutional, systemic and sustainable mechanisms to address the high number of persons awaiting trial.

3.—(1) The President shall appoint the Controller-General—

Appointment
of
Controller-
General of
Correctional
Service.

(a) on the recommendation of the Board ; and

(b) subject to confirmation by the Senate.

(2) The appointment shall be from serving Assistant Controllers-General who have—

(a) evidence of attendance and satisfactory performance at all mandatory training and command courses ;

(b) vast experience in correctional management and administration ;

(c) evidence of quality leadership and good track record in the Correctional Service ; and

(d) evidence of satisfactory performance in field command positions.

Powers,
duties and
functions of
the
Controller-
General.
Act No. 13,
2015.

4.—(1) The Controller-General shall—

(a) have the general superintendence of the Correctional Service ;

(b) exercise and perform all powers, duties and functions necessary to give effect to section 2 ;

(c) in accordance with the provisions of the Administration of Criminal Justice Act and other relevant legislation and policies, administer non-custodial measures ;

(d) create a platform for interfacing with other criminal justice institutions ;

(e) develop a plan at the beginning of each year stating the following activities of the Correctional Service—

(i) Custodial Service ; and

(ii) Non-Custodial Service ; and

(f) deploy officers and materials to custodial and non-custodial institutions and centres.

(2) In line with subsection (1), the Controller-General shall superintend on—

(a) inmates safety and humane custody ;

(b) reformation, rehabilitation and reintegration of offenders ;

(c) Non-Custodial Institutions and Centres ; and

(d) any other custodial and non-custodial facility.

(3) The person appointed to the office of the Controller-General shall hold office for a single term of five years or on attainment of the mandatory retirement age of 60 or 35 years in service, whichever comes first.

Power to
delegate.

5. The Controller-General shall direct the most senior Deputy Controller-General to discharge the duties of the office in his absence.

- 6.**—(1) The Controller-General shall not be removed from office during the subsisting tenure except where—
- Removal of Controller-General.
- (a) a report of gross misconduct or incapacity to perform his functions due to physical or mental ill health has been made against him by any person to the Board ;
- (b) the Board considers the allegation made under subsection (1)(a) serious and sets up a committee, including relevant experts where necessary, to investigate the matter ;
- (c) the Board considers the allegation and, after fair hearing, recommends that the Controller-General be removed from office ; and
- (d) the President accepts the recommendation of the Board and effects the removal.
- (2) If the office of the Controller-General becomes vacant for reasons stated under subsection (1) (a), the most senior Deputy Controller-General will assume office in acting capacity pending the appointment of a substantive Controller-General.
- 7.**—(1) The President shall, on the recommendation of the Board, appoint a minimum of eight Deputy Controllers-General.
- Appointment and removal of Deputy Controllers-General.
- (2) The appointment shall be from amongst serving Assistant Controllers-General who have demonstrated—
- (a) evidence of attendance and satisfactory performance at all mandatory training and command courses ;
- (b) vast experience in correctional management and administration ;
- (c) evidence of quality leadership and good track record in the Correctional Service ; and
- (d) evidence of satisfactory performance in field command positions.
- (3) Any person appointed as Deputy Controller-General, shall—
- (a) hold office until retirement ; or
- (b) be removed by the President on account of gross misconduct or incapacity based on recommendation made by the Board.
- 8.**—(1) There is established, for the Correctional Service, the—
- Structure of the Correctional Service.
- (a) National Headquarters ;
- (b) Zonal Offices ;
- (c) State Commands ;
- (d) Custodial and Non-Custodial Centres ; and
- (e) Training Institutions.

(2) The National Headquarters shall consist of the Directorates of—

- (a) Finance and Accounts ;
- (b) Inmates Training and Productivity ;
- (c) Human Resources ;
- (d) Works and Logistics ;
- (e) Health and Welfare ;
- (f) Training and Staff Development ;
- (g) Operations ; and
- (h) Non-Custodial Service.

(3) Each of the Directorates shall be superintended by a Deputy Controller-General who shall report to the Controller-General.

(4) The Zonal Offices shall be headed by Zonal Coordinators who are officers of the rank of Assistant Controllers-General and shall have the general superintendence of the State Commands and Centres under their zones.

(5) The State Commands shall be headed by officers of the rank of Controllers and shall have the general superintendence of the Custodial and Non-Custodial Centres under their States.

(6) The Non-Custodial Service in each State shall be superintended by an officer of at least the rank of Deputy Controller of Correctional Service who shall report to the State Controller of Correctional Service on all non-custodial activities and services in the State, including those implemented by State and Civil Society Organisations.

PART I—CUSTODIAL SERVICE

Establishment
and
classification
of Custodial
Service.

9.—(1) The Minister may, by order in the Federal Government Gazette—

- (a) declare any public building, with requisite facilities in an appropriate location within Nigeria, to be a Custodial Centre ; and
- (b) specify the area and the landmass for which the Custodial Centre is established—

Provided that in every building so declared as a Custodial Centre, sleeping accommodation shall meet all requirements of health with consideration given, among other things, to adequate floor space, water and sanitation amenities, lighting and ventilation.

- (2) A building declared to be a Custodial Centre under this part includes—
 - (a) the grounds and building within its enclosure ; and

(b) any detention centre for the temporary detention which is declared by the Minister by order in the Federal Government *Gazette* to be part of the Custodial Centre.

(3) Upon the commencement of this Act, a structure shall not be erected anywhere less than 100 meters from the outer limit of the Custodial Centre land as designated by the beacon in the survey plan.

(4) Application of subsections (1) - (3) shall follow due process in relation to consultation and effective securing of the area and the buffer zone without prejudice to already existing provisions on payment of appropriate compensation.

(5) The category of Custodial Centres in the Federation is as set out in the First Schedule to this Act.

First
Schedule.

(6) The Minister shall, by the order establishing a Custodial Centre or by a separate order in the Federal Government *Gazette*, designate every Custodial Centre as a Custodial Centre of a particular category.

10. The functions of the Custodial Service are—

Functions
of Custodial
Service.

(a) taking custody of all persons legally interned ;

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

(c) conveying remand persons to and from courts in motorised formations ;

(d) identifying the existence and causes of anti-social behaviours of inmates ;

(e) conducting risk and needs assessment aimed at developing appropriate correctional treatment methods for reformation, rehabilitation and reintegration ;

(f) implementing reformation and rehabilitation programmes to enhance the reintegration of inmates back into the society ;

(g) initiating behaviour modification in inmates through the provision of medical, psychological, spiritual and counseling services for all offenders including violent extremists ;

(h) empowering inmates through the deployment of educational and vocational skills training programmes, and facilitating incentives and income generation through Custodial Centres, farms and industries;

(i) administering borstal and related institutions ;

(j) providing support to facilitate the speedy disposal of cases of persons awaiting trial ; and

(k) performing other functions as may be required to further the general goals of the Service.

- Pensions.
Act No. 4,
2014.
- 11.** In accordance with the Pensions Reform Act, the staff and officers of the Correctional Service are entitled to gratuities, pensions and other benefits as are prescribed in that Act.
- Custody of
inmates.
- 12.**—(1) Every person confined in a Custodial Centre—
- (a) is deemed to be in the legal custody of the Superintendent ; and
 - (b) shall be subject to discipline and regulations made under this Act, whether or not the person is within the precincts of the Custodial Centre.
- (2) In the case of an inmate under sentence of death, the Superintendent shall, at such time on the day on which the sentence is to be carried out and from that time until the actual carrying out of the sentence, ensure that—
- (a) the inmate is in legal custody of the Sheriff ;
 - (b) the Sheriff has jurisdiction and control over that portion of the Custodial Centre where the inmate is confined and the Custodial Officers are deployed, as may be necessary for the safe custody during that period and for the purpose relating to such custody ; and
 - (c) where an inmate sentenced to death has exhausted all legal procedures for appeal and a period of 10 years has elapsed without the execution of the sentence, the Chief Judge may commute the sentence of death to life imprisonment.
- (3) Subject to subsection (1), the Superintendent is authorised and required to keep and detain all persons duly committed to the custody by any court, judge, magistrate, justice of the peace or other authority exercising competent jurisdiction, according to the terms of any warrant or detention order by which the person has been committed until that person is discharged by due course of law.
- (4) Where the Custodial Centre has exceeded its capacity, the State Controller shall within a period not exceeding one week, notify the—
- (a) Chief Judge of the State ;
 - (b) the Attorney-General of the State ;
 - (c) Prerogative of Mercy Committee ;
 - (d) State Criminal Justice Committee ; and
 - (e) any other relevant body.
- (5) With regard to the Federal Capital Territory, the Controller shall notify the Attorney-General of the Federation and Chief Judge of the Federal Capital Territory.
- (6) The Controller-General of the Correctional Service shall notify the Attorney-General of the Federation and Chief Justice of Nigeria about the Correctional Centres in the country.

(7) Upon receipt of the notification referred to in subsection (4), the notified body shall, within a period not exceeding three months, take necessary steps to rectify overcrowding.

(8) Without prejudice to subsection (4), the State Controller of Correctional Service in conjunction with the Superintendent shall have the power to reject more intakes of inmates where it is apparent that the Correctional Centre in question is filled to capacity.

(9) In relation to subsection (6), the Superintendent shall—

(a) ensure due documentation of the name, date, and other particulars relating to the person that was refused admission and the officer and agency that presented the person for admission into custody ; and

(b) render immediate returns on documentation made under paragraph (a) to the State Controller of Correctional Service.

(10) In relation to subsection (5), the criteria to be considered for the release of inmates or diversion of inmates to Non-Custodial Centre may include—

(a) inmates sentenced to three years and above with less than six months to the completion of their sentence ;

(b) inmates charged, convicted or sentenced for minor offences ;

(c) inmates with civil cases ; and

(d) any other criteria as may be determined by the Chief Judge or the Prerogative of Mercy Committee.

(11) A State Controller of Correctional Service shall be sanctioned if he fails to notify the relevant bodies when the Custodial Centre exceeds full capacity within the stipulated time frame as stated in subsection (4).

(12) A Superintendent who fails or refuses to observe the procedure as stated in subsection (4) by continuing to accept inmates after the expiration of the notification timeline shall be sanctioned.

13.—(1) When a person is sentenced, committed or transferred to the Custodial Centre, the Correctional Service shall take reasonable steps to obtain—

(a) relevant information about the—

(i) person's offence,

(ii) biometrics,

(iii) personal history,

(iv) risk and needs assessment, and

(v) person's psychological, mental health status and his criminal antecedents ;

Documenta-
tion of
inmates.

(b) the reason and recommendation relating to the sentencing or committal that is given or made by the court that convicted, sentenced or committed the person, and any court that hears an appeal from the conviction, sentence or committal ;

(c) the report relevant to the conviction, sentence or committal that is submitted to a court mentioned in paragraph (b) ; and

(d) any other information relevant to administering the sentence or committal, including existing information from the victim of the offence and the transcript of any comment made by the sentencing court regarding serving the sentence.

(2) The information collected under subsection (1) shall be kept in a centralised database management system of the Correctional Service.

(3) A Superintendent shall refuse to admit any person brought in—

(a) with a severe bodily injury ;

(b) who is—

(i) mentally unstable, or in an unconscious state of mind, or

(ii) underage.

(4) The Superintendent for the purpose of subsection (3)—

(a) shall ensure due documentation of the name, date, and other particulars relating to the person that was refused admission and the officer and agency that presented the person for admission into custody ;

(b) shall render immediate returns on documentation made under paragraph (a) to the State Controller of Correctional Service ; and

(c) may rely on relevant professionals in the determination of the state of mind, age or physical bodily conditions as presented.

Reformation
and
rehabilitation
of inmates.

14.—(1) The Correctional Service shall provide opportunities for education, training vocational training, as well as training in modern farming techniques and animal husbandry for inmates.

(2) In accordance with the provisions of subsection (1), Correctional Service shall establish and run, in designated Custodial Centres, industrial centres equipped with modern facilities for the enhancement of vocational skills training for inmates aimed at facilitating their reintegration into society.

(3) Subsections (1) and (2) shall be administered to encourage generation of funds to aid the earning scheme for the inmates, aftercare and other support services towards their rehabilitation.

(4) The Controller-General shall approve the sharing of revenue due to the Correctional Service from any enterprise, provided that one-third shall each be—

- (a) set aside for the inmates participating in the activity ;
- (b) for sustainability of the enterprise ; and
- (c) paid into the Consolidated Revenue Fund of the Federation.

(5) The Controller-General may recommend to the Board for the issuance of certificates of good behaviour upon discharge to an inmate who had demonstrated good conduct, including those who have acquired training through formal and informal education aimed at facilitating their reintegration.

(6) A person who is issued with the certificate of good behaviour shall not be discriminated against on grounds of his custodial sentence.

(7) The certificate shall be issued by the Board upon the recommendation of the Controller-General.

(8) The Correctional Service shall take adequate steps to ensure the:

- (a) prevention of torture ;
- (b) prevention of inhumane and degrading treatment against inmates ; and
- (c) prevention of sexual and non-sexual violence and bullying and effective procedure for prevention, identification of early warning signs, early detection of occurrence, punishment of perpetrators and protection and treatment of affected victims.

15.—(1) Inmates shall not be held in slavery or servitude, and labour carried out by inmates shall neither be of an afflictive nature or for the personal benefit of any correctional officer.

Inmate
labour.

(2) An inmate sentenced to imprisonment with labour shall be subjected to such labour as may be directed by the Superintendent.

(3) The labour referred to in subsection (2) may take place within or outside the Correctional Centre.

(4) The medical officer may certify any inmate to be excused from labour or to perform light labour.

(5) Where a medical officer falsely certifies an inmate to be excused from labour for any reason, the medical officer shall appropriately be sanctioned.

(6) Notwithstanding the provision of subsection (1), an inmate may be engaged in such labour as may be necessary to keep the Correctional Centre environment clean or for the general purpose of their wellbeing.

Transfer of
Inmates.

16.—(1) The Controller-General may, for security or administrative reasons, order in writing the transfer of any inmate, convicted or un-convicted, to a suitable Correctional Centre whether or not the Correctional Centre is named in the warrant or order of detention and such order by the officer shall be sufficient authority for such transfer.

(2) The Correctional Centre shall ensure that any unconvicted inmate transferred in accordance with subsection (1) is produced in court whenever required.

(3) Where it appears to the Controller-General that—

(a) the number of inmates is greater than the official capacity of the Correctional Centre and that it is more convenient to transfer the excess number of inmates to another Correctional Centre, or

(b) by reason of the outbreak of a disease within the Correctional Centre or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any inmate, the Controller-General may, by order, direct that as many as the inmates, as may be stated in the order, be kept and detained in a building or place which is outside the Correctional Centre specified in the order and the building or place is deemed to form part of the Correctional Centre for the purposes of this Act until the revocation of the order.

(4) Nothing in this Act shall be construed as authorising the—

(a) transfer or removal of an inmate to a Correctional Centre of a different security category from that in which he was previously confined ; or

(b) keeping or detaining of an inmate in a building or place in which there are confined inmates of a different class from that in which the inmate belongs except where, for security and other reasons in the opinion of the Correctional Centre, the conduct of the inmate necessitates transfer to a Correctional Centre of a different class.

Production
of inmates
before a
court.

17.—(1) Where the presence of an inmate is required before a court, the court shall issue an order addressed to the Superintendent requiring the inmate to be produced before the court at the time and place specified in the order, and, by endorsement on the order, require that the inmate be brought up again at any adjourned hearing.

(2) Proof of service or other acknowledgement with the signature and stamp of the Correctional Centre is required as evidence of delivery of the order under subsection (1) to the Superintendent.

(3) Where an order has been given to the Custodial Centre and the Custodial Centre fails to produce the inmate in court, there shall be sanctions except where—

(a) circumstances arise that are outside the control of the Custodial Centre ; and

(b) all necessary steps are taken ahead of time to notify the court of the absence of the inmate.

(4) If an inmate charged with an offence is brought before a court under this section, the same procedure shall be followed if he had been brought before the court on a warrant.

(5) If the Controller-General receives an order from a Court of competent jurisdiction or subpoena, that the presence of an inmate is required at any place in Nigeria he shall in writing—

(a) order the inmate to be taken to that place, in compliance with the order after being satisfied that the order is from court of competent jurisdiction, or

(b) order the inmate to be taken to that place immediately, in the case of a subpoena.

(6) An inmate taken from Correctional Centre under subsection (5) is to be kept in such custody and is deemed to be in lawful custody.

18.—(1) The Correctional Service, in compliance with the requirements for efficient management of the criminal justice system, shall undertake to—

Detention of awaiting trial persons.

(a) liaise with heads of justice institutions and relevant agencies to review and eradicate causes of high numbers of pre-trial detainees and develop effective mechanisms to enhance speedy trial and resolution of such cases ;

(b) provide returns and other necessary information to relevant bodies regarding persons awaiting trial in the Correctional Centre ;

(c) provide necessary support towards the provision of a national database of all persons in all places of detention ; and

(d) issue early notification in respect of the Custodial Centre exceeding its capacity to the heads of—

(i) judiciary,

(ii) law enforcement and prosecuting agencies,

(iii) Administration of Criminal Justice Monitoring Committee,

(iv) Prerogative of Mercy Committee, and

(v) relevant bodies and institutions.

(2) Upon delivery or service of the notification referred to in subsection (1) (d), the State Controller shall cause to be activated the procedure for refusal to admit awaiting trial persons to his Custodial Centre where—

(a) the heads of the relevant agencies notified under subsection (1) (d) fails to take necessary steps to address the situation and concerns raised by the Custodial Centre ;

(b) a reasonable time not exceeding three months has elapsed since the notification was issued by the Custodial Centre ; and

(c) considerable steps are taken to avert the activation of the refusal procedure.

Transportation
of inmates
upon
discharge.

19.—(1) Where it appears that it is in the interest of public or inmate that, upon discharge, he is to be assisted towards effective reintegration, the Correctional Service shall provide—

(a) funds for transportation of the discharged inmates to their place of abode ;

(b) aftercare support service ; and

(c) any other support as may be deemed appropriate by the Correctional Service.

(2) If the sentence of an inmate expires on a public holiday, the discharge takes effect immediately on the preceding working day.

(3) An inmate who is under medical treatment when the sentence expires shall not be discharged except—

(a) at the written request of an inmate ; or

(b) the medical officer certifies that the discharge will not cause danger to the health of the inmate.

(4) Notwithstanding the provisions of subsection (3), the Superintendent shall inform the hospital authority that the inmate's term has expired.

Use of
firearms.

20.—(1) A Correctional Officer may use firearms, teargas or such other weapons as may be necessary against an inmate escaping or attempting to escape from lawful custody.

(2) A Correctional Officer may—

(a) use firearms on any inmate engaged in any combined outbreak, or any attempt to force, or break open the gate or perimeter wall of a Custodial Centre ; and

(b) continue to use weapons if the combined outbreak or attempt is ongoing.

(3) A Correctional Officer may use weapons against an inmate using violence if the Correctional Officer has reasonable grounds to believe that the inmate may cause grievous harm to himself or others.

(4) Before using firearms against an inmate under subsection (1), a Correctional Officer shall give warning to the inmates before firing.

(5) A correctional officer, in the presence of a superior officer, shall not use weapons of any sort against an inmate under subsection (3), except under the orders of the superior officer but may not wait for the superior officer's order—

(a) in self-defense ; and

(b) where the superior officer is not in the position to give such order.

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

(7) A police officer or any other security agent who is serving as an escort guard in or around a Custodial Centre for the purpose of ensuring the security of the Custodial Centre shall have all the powers and privileges granted to correctional officers under this section.

(8) A Correctional Officer may use weapons to prevent an attack on the Custodial Centre or during escort duties where it becomes obvious to the correctional officer that such attacks are aimed at freeing the inmates or endangering the life of the escorts.

(9) In the application of this section, the Superintendent or the most senior Correctional Officer on ground shall ensure compliance with principles of legality, necessity, proportionality and accountability.

(10) Where there is a riot or disturbance in a Custodial Centre, the Superintendent or the most senior Correctional Officer on ground shall:

(a) appeal to the rioters that their requests or grievances shall be treated expeditiously ; and

(b) where the appeal fails, take necessary steps to restore normalcy as required under this section and the applicable standing order.

21.—(1) There shall be official visitors of Custodial Centres in Nigeria which shall consist of—

(a) ex-officio who shall be appointed by the President and include—

(i) the Chief Justice of Nigeria and other Justices of the Supreme Court,

(ii) the President of the Court of Appeal and other Justices of the Court of Appeal,

Visitors and
inspection of
Custodial
Centres.

- (iii) the Chief Judge and other Judges of the Federal High Court,
 - (iv) the Chairperson and other Council members of the National Human Rights Commission,
 - (v) the Director General of Legal Aid Council of Nigeria,
 - (vi) the President and other executive members of the Nigerian Bar Association,
 - (vii) the Chief Judge and other Judges of the High Court of a State and the Federal Capital Territory,
 - (viii) the Grand Khadi and other Judges of the Sharia Court of Appeal and the President and other Judges of Customary Court of Appeal exercising jurisdiction in the State and the Federal Capital Territory,
 - (ix) Magistrate and District Court Judges, and
 - (x) Area Court and Customary Court Judges ;
- (b) legislative oversight visitors who shall be Presiding Officers and Members of the relevant Committees of the National Assembly and State Houses of Assembly ;
- (c) Custodial Centre Visiting Committee which shall—
- (i) be set up by the Minister in consultation with State authorities, and
 - (ii) consist of reputable members of the society and non-governmental organisations ; and
- (d) voluntary visitors who shall be appointed by the Controller-General and consist of retired correctional officers with good track records and any other person as the Correctional Service may deem fit to serve as a Custodial Centre visitor.

(2) Information relating to all places of detention and all persons in detention shall be kept by the Ministry, and steps shall be taken by the Ministry to enhance the process, capacities, human rights compliance and security of all facilities holding detainees and inmates including those on pre-trial detention.

Functions of
visitors of
Custodial
Centre.

- 22.**—(1) The functions of visitors of Custodial Centre are to—
- (a) visit the Custodial Centre and inspect the wards, cells, yards and other apartments or divisions of the Custodial Centre ;
 - (b) receive the complaint, if any, of the inmates ;
 - (c) inspect the journals, registers and books of the Custodial Centre and conditions of treatment of the inmates ; and
 - (d) call the attention of the Superintendent to any irregularity in the administration of the Custodial Centre or structural defects which may require urgent attention.

(2) With respect to the Custodial Centre Visiting Committee, the Committee shall visit the Custodial Centre at least once in a month between the hours of 9am and 3pm.

23.—(1) The Correctional Service shall put in place healthcare services for the promotion and protection of physical and mental health, prevention and treatment of diseases.

Healthcare services in Custodial Centres.

(2) The health practitioner shall inspect the Custodial Centre daily and advise the Superintendent, State Controller of Correctional Service or Controller-General as appropriate, on the—

- (a) quantity, quality, preparation and services of food ;
- (b) hygiene and cleanliness of the inmates and Custodial Centres ;
- (c) sanitation, lighting and ventilation of the Custodial Centre ; and
- (d) suitability and cleanliness of the inmates' clothing and beddings.

(3) The Superintendent shall—

- (a) take immediate steps to give effect to the recommendations ; and
- (b) if they are not within his competence immediately submit a report to the State Controller.

(4) The Correctional Service shall establish a health centre and deploy at least one medical doctor in all main Custodial Centres.

(5) Where there is no medical officer appointed for a Custodial Centre, the functions of the medical officer shall be performed by the medical officers in the Civil Service of the Federation or a State as may be directed by the Minister of Health or the Commissioner of Health, as the case may be.

(6) The Minister of Health, with the concurrence of the State Commissioner of Health, may authorise a health personnel in the Civil Service of a State to attend to matters pertaining to general sanitation in a Custodial Centre and assist the medical officer.

24.—(1) Where it appears to the Superintendent that an inmate undergoing imprisonment or under sentence of death is of unsound mind, he shall report the matter to the State Controller of Correctional Service who—

Mental health of inmates.

(a) shall appoint two or more qualified health practitioners with requisite mental health qualifications, one of whom shall be a Correctional Centre health practitioner to inquire into the inmate's state of mental health ;

(b) may, if deemed necessary, order the removal of the inmate from the Custodial Centre to another Custodial Centre within the State or to the closest mental health centre, where practicable, or any other hospital for appropriate treatment and care ; and

(c) where an order is required to remove the inmate to a Custodial Centre outside the jurisdiction of the State Controller of Correctional Service, shall report to the Zonal Coordinator or Controller-General, as appropriate.

(2) The health practitioners appointed under subsection (1) shall examine the inmate's mental health status and give their opinion in a written report to the State Controller of Correctional Service not later than two weeks from the receipt of the initial report for submission to the Mental Health Review Board for review and issuance of appropriate certification which shall be forwarded to the Controller-General, the Chief Judge and other relevant authorities.

(3) The Mental Health Review Board referred to under subsection (2) shall be constituted by the Controller-General on the recommendation of the State Controller of Correctional Service and other appropriate State authorities in all the States of the Federation and the Federal Capital Territory with membership of, at least one—

- (a) psychiatrist who shall be the head of the Board ;
- (b) representative of Federal or State Psychiatric Hospitals within the State or geo-political zone ;
- (c) clinical psychologist ;
- (d) social worker ; and
- (e) medical personnel from the Custodial Centre .

(4) Where an inmate into whose soundness of mind an inquiry has been made under subsection (1) (a) is under sentence of death, the following provisions shall apply—

(a) the Superintendent shall, as soon as possible, report the circumstances to the relevant authority who, on receipt of the report, shall order the execution of the sentence to be suspended until the report of the Mental Health Review Board has been received ; and

(b) if the inmate is certified to be of unsound mind, the relevant authority shall order the execution of the sentence of death to be stayed and may, by order in writing, direct the Superintendent to send the inmate to a suitable mental health hospital.

(5) Where an inmate not under a sentence of death is certified to be of unsound mind under subsection (2), the following provisions shall apply—

(a) the Controller-General shall, in writing, direct the State Controller of Correctional Service to remove the inmate to a suitable mental health hospital ;

(b) the inmate shall, pursuant to a directive made under paragraph (a) and subject to the mental health laws, be detained until he is certified by the Mental Health Review Board to be of sound mind or until the expiration of the sentence, whichever occurs first ;

(c) if the inmate is certified to be of sound mind, the Controller-General shall, in writing, direct that the inmate be moved to the Custodial Centre to serve the remaining part of the sentence ; and

(d) if the inmate is still detained in a mental health hospital when the sentence of imprisonment is about to be determined, the officer in charge of the mental health hospital shall give such information as may be necessary under the mental health laws to consider the question of whether the inmate shall be detained under those laws as a person of unsound mind till the date of the determination of the sentence.

25.—(1) The State Controller of Correctional Service, or in an emergency, the Superintendent, may, on certification by the medical officer, direct the removal of the inmate to a hospital if—

Removal of
sick inmates
to the
hospital.

(a) the inmate confined in a Custodial Centre is seriously ill ; and

(b) there is no suitable accommodation within the Centre.

(2) All reasonable precautions shall be taken by the Custodial Centre and medical officers of a hospital to prevent the escape of the inmates transferred there for treatment.

(3) The Custodial Centres may take such measures for preventing the escape of inmates as may be necessary, including insisting on having the inmate within sight at all times.

(4) Where, in view of the gravity of the offence for which an inmate is in custody or for any other reason, the Superintendent considers it desirable to take special measures for the security of the inmate under treatment in a hospital—

(a) the Superintendent may—

(i) assign at least two fit and proper persons to be in charge of the inmate, one of whom shall always be with the inmate day and night, or

(ii) place the inmate under supervision of other security personnel ; and

(b) any person or security personnel, in whose charge an inmate has been placed under paragraph (a) shall be—

(i) vested with full power and authority to take all necessary steps to prevent the inmate from escaping, and

(ii) responsible for the inmate's safe custody until the inmate is handed over to the Superintendent on discharge from the hospital or until the sentence expires, whichever occurs first.

(5) The powers conferred on officers of State authorities under this section shall not be exercised except with the consent of—

(a) the State authority in question ; or

(b) such other person or authority to whom the power to exercise such functions has been conferred.

(6) A medical officer who falsely certifies an inmate for any reason as required under subsection (1), shall appropriately be sanctioned.

Correctional
Officers
Reward
Fund.

26.—(1) There is established the fund (in this Act referred to as “the Correctional Officers’ Reward Fund”) into which shall be paid all fines and forfeitures inflicted upon correctional officers for offences against discipline under regulations or standing orders made under this Act.

(2) The Correctional Officers’ Reward Fund shall be—

(a) administered by the Controller-General in accordance with regulations made under this Act ; and

(b) applied for the purposes of—

(i) rewarding correctional officers for extra or special service such as gallantry, long or meritorious service,

(ii) providing comforts, convenience and privilege for correctional officers which are not chargeable on the general revenues of the Federation, and

(iii) paying any compassionate gratuity which may be granted pursuant to regulations made under sections 11 and 33 to the next of kins or, in his absence, to a member of the immediate family of the deceased correctional officer.

(3) There shall be a hazard allowance for officers deployed to serve in high-risk operations or difficult environments which shall—

(a) be reviewed within a period not exceeding three years ;

(b) constitute 50% of the officer’s basic salary which is applicable in cases of serious bodily injury ; and

(c) constitute 100% of the officer’s basic salary which is applicable in cases of fatality and payable to the officer’s next of kin.

(4) There shall be consideration for the children of an officer who suffers from serious bodily injury or who dies as stated in subsection (3) (b) and (c), and such children shall be allowed to remain in school until after one year period with the possibility of an extension for a few months, if the child is allowed to complete the school year.

27.—(1) There is established, for the Correctional Service, the training institutions, command schools and colleges.

Staff
training.

(2) Every staff, on recruitment, shall be trained for a minimum of six months before deployment.

(3) The Correctional Service Staff College or Academy shall take all necessary steps to be upgraded to a degree awarding institution in penal administration and other related courses.

(4) Every staff shall attend and complete, with satisfactory performance, all mandatory courses stipulated for career progression in the Correctional Service.

(5) Training programmes shall be conducted regularly to enhance staff performance and efficiency.

(6) Staff on training shall be—

(a) provided accommodation and feeding ;

(b) paid transport allowance ; and

(c) paid such other allowances prescribed under the Public Service Rules.

28.—(1) There shall be provided monitoring devices to protect, control and safeguard correctional activities, including observatory towers, double perimeter walls, close circuit television, body scanners, e-monitoring devices, electrically activated alarm systems and other instruments of restraint.

Security of
Custodial
Centres.

(2) The Correctional Service shall establish and maintain a fully equipped armed squads, intelligence and investigation unit to enhance security, surveillance, monitoring, intelligence gathering and protection.

(3) In deploying the facilities under subsection (1), priority shall be given to the security requirements of maximum security custodial centres.

29.—(1) A person commits an offence if he—

(a) brings, throws or introduces into a Correctional Centre, gives to or takes from an inmate, any alcoholic beverage, tobacco, intoxicating or poisonous drug or prohibited article ;

(b) communicates or attempts to communicate with an inmate without permission of the Superintendent ;

Acts
detrimental
to the
security of
Custodial
Centres.

(c) procures or facilitates the procurement of communication devices for an inmate or makes conversation or aids the making of conversation through mobile phone and other devices to an inmate other than as provided in the Correctional Standing Orders and other related correctional policies ;

(d) is found in possession of any article which has been supplied to a correctional officer for the discharge of his duty or any other Correctional Centre property and fails to account satisfactorily for his possession of the article, or without due authority purchases or receives any property from a correctional officer, aids or abets a correctional officer to conceal or dispose of any property ;

(e) by any means directly or indirectly, procures or attempts to procure or persuade an inmate to desert, aids, abets or is an accessory to the desertion by an inmate, or having reason to believe that an inmate is a deserting inmate harbours that person or aids in the inmate's concealment or rescue ;

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

(g) knowingly harbours in his house or land or knowingly employs any person under sentence of imprisonment who is at large ; or

(h) interferes with an inmate working outside the Correctional Centre or allows such an inmate to enter a house, yard or other premises, unless it is at the request of the Correctional Officer and other person in charge of the inmate, or assist such an inmate to be absent or neglect his work.

(2) Any person who commits an offence under subsection (1)—

(a) paragraphs (a) and (h), is liable on conviction to a fine not exceeding ₦1,000,000 or imprisonment for a term not exceeding 12 months, or both ;

(b) paragraphs (b), (c), (e) and (g), is liable on conviction to a fine not exceeding ₦3,000,000 or imprisonment for a term not exceeding three years or both ;

(c) paragraph (d), is liable on conviction to a fine not exceeding ₦2,000,000 or imprisonment for a term not exceeding two years or both ; and

(d) paragraph (f), is liable on conviction to a fine not exceeding ₦5,000,000 or imprisonment for a period not exceeding four years, or both ;

(3) The correctional officer may arrest such person and hand him over as soon as practicable to a police officer, who shall proceed as if the offence had been committed in his presence.

30.—(1) There shall be for the Correctional Service funds appropriated for inmates' feeding as provided by the Government.

Inmates
ration and
welfare.

(2) Subject to subsection (1), the cost of feeding reviewed at a period not exceeding five years from the date of last review or as the national economic circumstance permits.

(3) There shall be the provision of basic needs to meet the minimum standards for the treatment of inmates which includes accommodation, feeding, potable water, hygiene, sewage disposal, clothing and toiletries.

(4) The Controller-General shall be provided with the funds and other resources to meet these minimum requirements under subsection (3).

31.—(1) A correctional officer from whose lawful custody an inmate escapes, commits an offence unless he has taken adequate measures at all times to prevent such escape, and the burden of proving that such adequate measures were taken in the case lies on the correctional officer concerned.

Escape of
an inmate.

(2) Where the person who escaped from the custody of a correctional officer is under a sentence of death or imprisonment for life or is charged with or has been detained on suspicion of having committed an offence punishable with death or imprisonment for life, the correctional officer concerned, if found culpable, commits a felony and shall be prosecuted.

32.—(1) The officer in charge of a custody shall immediately report every death to the State Controller of Correctional Service for further communication to the Controller-General.

Inmates
serious
bodily injury
and death in
custody.

(2) Where an inmate dies or suffers serious bodily injury, the State Controller of Correctional Service shall—

(a) investigate the incident and notify the next of kin, the police and the court ; and

(b) report to the Controller-General who shall inform the Minister.

(3) An inquest shall be instituted in all cases of deaths in custody to ascertain the nature and circumstances of the death.

(4) Where the investigation reveals that the injury or death was caused by the negligence or unlawful action of a correctional officer the—

(a) correctional officer shall be suspended and handed over for prosecution ;

(b) officer's immediate supervising officer shall be sanctioned ; and

(c) Correctional Service shall—

(i) pay appropriate compensation as may be determined by the panel of inquiry or a court of competent jurisdiction to the victim or the family of the victim whichever is applicable, and

(ii) cover the cost of all hospital and associated expenditure and, in the case of death, all expenditure related to burial rites as may be determined by the panel of inquiry or a court of competent jurisdiction.

Power to make Regulations and standing orders.

33.—(1) The Controller-General shall, for the purpose of carrying into effect the provisions of this Act, make—

(a) regulations with respect to the organisation and administration of correctional facilities ;

(b) standing orders for the good order, discipline and welfare of staff and inmates ; and

(c) any other administrative action as may be necessary for the effective implementation of the provisions of this Act.

(2) In relation to subsection (1), specialised civil society groups may provide technical and advisory support to the Controller-General.

Female inmates.

34.—(1) There shall be a provision of separate facilities for female inmates in all States of the Federation.

(2) The Correctional Service shall provide all necessary facilities to address the special needs such as medical and nutritional needs of female inmates, including pregnant women, nursing mothers and babies in custody.

(3) Subsection (2) includes the provision of a crèche in every female Custodial Centre for the wellbeing of babies in custody with their mothers, and prenatal, antenatal health care and sanitary provisions for female inmates.

(4) All female inmates shall undergo pregnancy tests on the first day of admission or as soon as possible but not exceeding 14 days from the date of admission, and where the test is positive, the inmate shall be provided with the necessary medical care and support.

(5) Where a female inmate is found to be pregnant while in custody, an investigation, including DNA analysis, where needed, shall be conducted to ascertain who is responsible and the perpetrator shall be prosecuted.

(6) Notwithstanding the provisions of subsection (3), babies shall not remain in custodial facilities beyond 18 months, after which such babies shall be handed over to the families of the inmates, in the absence of which they shall be taken to designated welfare centres.

Juvenile offenders.

35.—(1) Young offenders shall not be kept in adult custodial facilities.

(2) The Correctional Service shall establish separate male and female borstal training institutions for juvenile offenders in all the States of the Federation and their treatment, including rehabilitation, shall be the underlying principle for the custody.

(3) The facilities established under subsection (2) shall serve as rehabilitation and correctional centres for the purpose of processing, confinement and treatment of juveniles and young offenders.

36.—(1) Where any action, prosecution or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any Act, law, public duty or authority, or in respect of the alleged neglect or default in the execution of the Act, law, duty or authority, the provisions of subsection (2) shall have effect.

Legal action
against
Correctional
Service.

(2) The action or proceeding under subsection (1)—

(a) shall not lie or be instituted unless it is commenced within three months after the act, neglect or default complained of, or in case of a continuance act of damage or injury, within three months after the damage or injury cessation of the act ; and

(b) if it is at the instance of any person for causes arising while such person was a convicted inmate, may be commenced within three months after the discharge of such person from custody.

(3) Without prejudice to the powers of the Attorney-General of the Federation, the legal officers employed by the Correctional Service shall provide legal representation and advice to the Correctional Service on all matters, including those applicable to subsections (1) and (2), as may be required.

(4) Without prejudice to subsection (3) the Correctional Service may engage the services of other lawyers outside the Correctional Service.

PART II—NIGERIAN NON-CUSTODIAL SERVICE

37.—(1) The Nigerian Non-Custodial Service is responsible for the administration of non-custodial measures, including—

Nigerian
Non-
Custodial
Service.

(a) community service ;

(b) probation ;

(c) parole ;

(d) restorative justice measures ; and

(e) any other non-custodial measure assigned to the Correctional Service by a court of competent jurisdiction.

(2) There shall be the National Committee on Non-Custodial Measures to be appointed by the President and constituted by the National Assembly.

(3) The National Committee on Non-Custodial Measures shall consist of—

- (a) the Controller-General ;
- (b) Deputy Controller-General in charge of Non-Custodial Service ;
- (c) a retired High Court Judge ;
- (d) the Director of Social Welfare, Federal Ministry responsible for youth and sports ;
- (e) the Director of Youths, Federal Ministry responsible for youth and sports ;
- (f) the Inspector-General of Police or his representative, not below the rank of Commissioner ;
- (g) a representative from the—
 - (i) Ministry responsible for interior, not below the rank of a Deputy Director ;
 - (ii) Ministry of Justice, not below the rank of a Deputy Director ; and
 - (iii) Administration of Justice Monitoring Committee ; and
- (h) three representatives of non-governmental organisations working in the relevant sector.

(4) The Chairperson and members of the National Committee on Non-Custodial Measures shall serve for a term of four years, renewable for another term of four years and no more.

(5) The National Committee on Non-Custodial Measures shall establish the Technical Committees on—

- (a) Parole ;
- (b) Probation ;
- (c) Community Service ;
- (d) Restorative Justice Measures ; and
- (e) any other thing as may be determined by the National Committee on Non-Custodial Measures.

The
Functions of
National
Committee
on Non-
Custodial
Measures.

38.—(1) The National Committee on Non-Custodial Measures shall—

- (a) co-ordinate the implementation of non-custodial measures with the Judiciary and other relevant agencies ;
- (b) monitor and propose measures for effective operation of non-custodial measures ;

(c) receive and consider any complaint or view from the offenders, victims and affected communities, and make recommendations, where possible, on the nature of non-custodial measures; and

(d) perform any other function required for the proper implementation of this Act.

(2) The Controller-General shall, in consultation with State and Federal Capital Territory Authority, and with the approval of the National Committee on Non-Custodial Measures, appoint State Committees on Non-Custodial Measures.

(3) The functions of the State and Federal Capital Territory Committees shall align with those of the National Committee on Non-Custodial Measures.

(4) The proposal stated in subsection (1) (b) shall be made available to—

(a) the Controller-General ;

(b) the Chairperson of the Administration of Criminal Justice Monitoring Committee ;

(c) the Minister of Justice ;

(d) the Minister responsible for social welfare ; and

(e) any other body as may be determined by the National Committee on Non-Custodial Measures.

39. The Controller-General shall make regulations prescribing—

(a) the duties of the supervising officer for each of the non-custodial measures stated in section 37 ; and

(b) any other matter that is necessary for the proper implementation of this Act.

Regulations
and
Guidelines.

40. The Controller-General shall administer the parole process, including—

(a) the appointment of members of the parole board ;

(b) supervision of parolees ;

(c) rehabilitation of the parolees ;

(d) administration of the designated parole facilities ; and

(e) taking any other step for the proper implementation of this provision and other non-custodial measures.

Parole.

- Probation. **41.** The probation services includes the—
- (a) production of pre-sentencing report ;
 - (b) supervision of convicts on probation order as assigned by a court of competent jurisdiction ;
 - (c) production of pre-release report to facilitate reintegration of the offender ; and
 - (d) provision of any other support service as may be required.
- Community Service. **42.**—(1) The Controller-General shall—
- (a) appoint supervisors to monitor those sentenced to community service ;
 - (b) receive regular reports from supervisors, indicating a number of completed community service and status of compliance with the court order ; and
 - (c) report all cases of non-compliance submitted to him by the designated community service supervisors to the appropriate court for action.
- (2) Notwithstanding the provision of this Act, all offenders serving punishment of imprisonment imposed on them within the last six months before the coming into force of this Act may be allowed to apply for community service, if eligible.
- Restorative justice measures. **43.**—(1) The Controller-General shall provide the platform for restorative justice measures including—
- (a) victim-offender mediation ;
 - (b) family group conferencing ;
 - (c) community mediation ; and
 - (d) any other mediation activity involving victims, offenders and, where applicable, community representatives.
- (2) The Correctional Service shall liaise with the Court and other relevant agencies in the provision of these measures under subsection (1).
- (3) Restorative justice services may occur—
- (a) at pre-trial stage ;
 - (b) at trial stage ;
 - (c) during imprisonment ; and
 - (d) at post-imprisonment.
- (4) The Correctional Service shall appoint supervisors to monitor the implementation of measures and services stated under subsections (1) and (3).

- 44.** There shall be the Special Non-Custodial Fund to be administered by the National Committee on Non-Custodial Measures into which there shall be paid—
- (a) such sums as may be provided by the Government of the Federation or a State for payment into the Special Non-Custodial Fund ;
- (b) such sums as may be paid by way of contribution under or pursuant to the provisions of this Act or any other enactment ; and
- (c) all sums accruing to the Non-Custodial Service by way of gifts, testamentary disposition, contributions from philanthropic persons or organisations.
- 45.—**(1) The Prisons Act Cap P 29 Laws of the Federation of Nigeria, 2004 is repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the enactment referred to in subsection (1) does not affect anything done under or pursuant to that enactment.
- (3) The saving and transitional provisions set out in the Second Schedule to this Act shall have effect notwithstanding any other provision of this Act.
- 46.** In this Act—
- “*afflictive nature*” means any circumstance which causes grievous physical or mental suffering, pain or distress ;
- “*Chief Judge*” means the Chief Judge of the Federal High Court, the High Court of Federal Capital Territory and a State High Court ;
- “*communication device*” means any equipment that aids the analog, digital or wireless transmission of data, including mobile phones, tablets, laptops or bluetooth devices ;
- “*Controller-General*” means the Controller-General of the Nigerian Correctional Service ;
- “*Correctional Centre*” means a prison or any centre that serves as a place for detention, imprisonment or incarceration aimed at promoting a reformation, rehabilitation and reintegration of inmates ;
- “*correctional officers*” means officers of the Nigerian Correctional Service, Nigerian Custodial Service and Nigerian Non-Custodial Service ;
- “*Correctional Service*” means the Nigerian Correctional Service established under this Act ;
- “*Custodial Center*” is a place where individuals sentenced by the court requiring imprisonment are kept or those remanded in custody by the order

Funding of non-custodial measures.

Repeal of Cap P29 LFN, 2004.

Cap. I23, LFN, 2004.

Second Schedule.

Interpretation.

of the court are kept, and may be used interchangeably with “*custodial facility*” or

“*custodial officer*” means officer of whatever rank appointed under Part I of this Act ;

“*Custodial Service*” is the aspect of the Nigerian Correctional Service that administers or supervises individuals or persons remanded in custody ;

“*function*” includes powers and duties ;

“*inmate*” means any person lawfully committed to custody ;

“*juvenile offender*” means an offender below the age of 18 ;

“*medical officer*”, in relation to a Custodial Centre, includes a person directed under this Act to perform the functions of a medical officer in respect of that custodial officer ;

“*Minister*” means the Minister charged with responsibility for the Nigerian Correctional Service ;

“*motorised formation*” includes vehicles to convey inmates, escort officers, armed squad personnel, and back-up vehicles ;

“*non-custodial officer*” means supervisors and other officers appointed to administer non-custodial measures under Part II of this Act ;

“*Non-Custodial Service*” is an aspect of the Nigerian Correctional Service that serves as an alternative to going to a custodial center ;

“*Non-Custodial Centres*” means designated centres in the community for the administration of non-custodial measures ;

“*President*” means the President of the Federal Republic of Nigeria ;

“*public holiday*” includes Saturday, Sunday and days officially declared as such ;

“*requisite health facilities*” includes sanitary installations adequate to enable every inmate to comply with the needs of nature when necessary and in a clean and decent manner, adequate bathing and shower installations shall be provided so that every inmate maybe enabled and required to bath or shower as frequently as necessary for health and cleanliness, and drinking water shall be available to every inmate whenever the inmate needs it ;

“*sentence of imprisonment*” means any sentence involving confinement in a prison (whether or not it is combined with labour of any kind) and includes a sentence given by way of communication as well as an original sentence passed by Court ;

“*sheriff*” means the officer responsible for carrying out the capital punishment ordered by the court of competent jurisdiction as stipulated in the Sheriff and Civil Process Act ;

“*slavery*” or “*servitude*” means forced labour, bondage imposed, or the involuntary subjection of one to another or others ;

“*State*” means a State of the Federation and includes the Federal Capital Territory ;

“*State authority*” means the Governor of a State and the State Authority in relation to a person confined in Custodial Centre ; and

“*Superintendent*” means the custodial officer in charge of the Custodial Centre.

47. This Act may be cited as the Nigerian Correctional Service Act, 2019. Citation.

SCHEDULES

FIRST SCHEDULE

Section 9 (5)

CLASSIFICATION OF CUSTODIAL CENTERS AND INMATES

Maximum Security Custodial Centre

This refers to a Custodial Centre with an enhanced level of security including the use of close circuit television, electric fencing, electronic scanners and high level technology, reserved for high risk inmates of all classes.

Medium Security Custodial Centre

This refers to a Custodial Center with a reasonable level of security reserved for inmates of all classes.

Open Custodial Centres

Special Custodial Centres for the treatment of long term-first offenders.

Farm Centres

For convicts with good conduct who have six months or less to serve.

Satellite Custodial Facilities

For convicts serving three months imprisonment or less; and awaiting trial persons charged for minor offences who are required to be presented in courts in locations without major custodial facilities.

Borstal Institutions

For the detention and treatment of juvenile offenders.

Female Custodial Facilities

For all classes of female inmates.

SECOND SCHEDULE

Section 45 (3)

SAVING AND TRANSITIONAL PROVISIONS

1. All prisons declared under the repealed Act are deemed to have been declared under this Act.

2. Subsidiary legislation made or deemed to have been made under the repealed Act if it was in force immediately before the commencement of this Act, shall continue to be in force with necessary modifications and may be amended or revoked as if it has been made under this Act.

3. The rights, assets, obligations and liabilities of the Prison Officers Reward Fund established by the repealed Act, shall, at the commencement of this Act, vest in and devolve upon the Fund established under section 26 of this Act.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
19th Day of July, 2019

EXPLANATORY MEMORANDUM

This Act repeals the Prison Act Cap. P29, Laws of the Federation of Nigeria, 2004 and enacts the Nigerian Correctional Service Act to address new issues that are not covered under the repealed Act and provide clear rules setting out obligations of the Nigerian Correctional Service and the rights of inmates.

SCHEDULE TO THE NIGERIAN CORRECTIONAL SERVICE BILL, 2019

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Nigerian Correctional Service Bill, 2019.	An Act to repeal the Prisons Act Cap. P29 Laws of the Federation of Nigeria, 2004 and enact the Nigerian Correctional Service Act to make provision for the administration of prisons and non-custodial measures in Nigeria ; and related matters.	This Bill repeal the Prisons Act Cap. P29 Laws of the Federation of Nigeria, 2004 and enacts the Nigerian Correctional Service Act to address new issues that are not covered under the repealed Act and provide clear rules setting out obligations of the Nigerian Correctional Service and the rights of inmates.	8th May, 2019.	22nd January, 2019.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
19th Day of July, 2019.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
31st Day of July, 2019.