

## PRISONS ACT

### ARRANGEMENT OF SECTIONS

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#### SCHEDULE

*Savings and transitional provisions*

## PRISONS ACT

**An Act to make comprehensive provisions for the administration of prisons in Nigeria and other matters ancillary thereto.**

[1972 No. 9.)

[10th April, 1972]

[Commencement.]

### **1. the Comptroller-General and his staff**

There shall be in the civil service of the Federation a Comptroller-General, who shall have the general charge and superintendence of the prisons system in Nigeria to be known as the "Nigerian Prisons Service", and such officers subordinate to the Comptroller-General as may be necessary for the proper operation of the service.

### **2. Establishment and classification of prisons**

(1) The Minister may, by order in the *Federal Gazette*, declare any building or place in Nigeria to be a prison and by the same or a subsequent order specify the area for which the prison is established.

(2) Every prison shall include-

- (a) the grounds and buildings within the prison enclosure, and
- (b) any lock-up house for the temporary detention or custody of prisoners newly apprehended or under remand which is declared by the Minister by order in the *Federal Gazette* to be part of the prison.

(3) Subject to subsection (4) of this section, every prison shall be a prison for the imprisonment of prisoners of every description.

(4) The Minister may, for effecting the separation of classes of prisoners or for the training of any class of prisoner or for any other purpose, by order in the *Federal Gazette* appropriate any prison or part of a prison to particular classes of prisoners; and any prisoner of the class to which any prison or part of a prison has been appropriated shall lawfully be conveyed thereto and imprisoned therein, whether or not the warrant or order for his imprisonment has been issued by a court having jurisdiction in the place where the prison is situated.

### **3. Legal custody of prisoners**

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

(2) In the case of a prisoner under sentence of death, the superintendent shall, at such time on the day on which the sentence is to be carried out as may be fixed by the sheriff, hand over the legal custody of the prisoner to the sheriff, and from that time until the actual carrying out of the sentence-

- (a) the prisoner shall be in the legal custody of the sheriff; and
- (b) the sheriff shall have jurisdiction and control over that portion of the prison where the prisoner is confined and the prison officers serving therein so far as may be necessary for the safe custody of the prisoner during that period and for the purpose of carrying out the sentence and for any purpose relating thereto.

(3) Subject to this Act, every superintendent is authorised and required to keep and detain all persons duly committed to his custody by any court, judge, magistrate, justice of the peace or other authority lawfully exercising civil or criminal jurisdiction, according

to the terms of any warrant or order by which any such person has been committed, until that person is discharged by due course of law.

#### **4. Hard labour**

(1) Subject to this section, the effect of a sentence of imprisonment with hard labour passed upon a prisoner shall be that the prisoner shall be imprisoned for the period of the sentence and during his imprisonment shall work at such labour as may be directed by the superintendent.

(2) So far as practicable, the labour referred to in subsection (1) of this section shall take place in association or outside cells.

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

(4) This section is without prejudice to any provision of this Act or regulations made thereunder providing for the remission of sentences.

#### **5. Removal of prisoners**

(1) The Comptroller-General or, if so authorised in writing by the Comptroller-General, any Assistant Director of the Nigerian Prisons Service, may by order under his hand direct that any person in prison under the sentence of a court for an offence committed by him shall be removed from the prison in which he is confined to another prison; and where a person is removed to a prison other than that named in the warrant or order together with the order of removal (which may be endorsed on or separate from the warrant or order), shall be sufficient authority-

- (a) for the removal of the prisoner to the prison named in the order of removal and his detention there; and
- (b) for the carrying out of the sentence described in the warrant or order, or for any part of the sentence which remains unexecuted.

(2) Where it appears to the Comptroller-General-

- (a) that the number of prisoners in a prison is greater than can conveniently be kept there and that it is not convenient to transfer the excess number of prisoners to another prison; or
- (b) that by reason of the outbreak within the prison of disease or for any other reason it is desirable to provide for the temporary shelter and safe custody of any prisoners,

the Comptroller-General may by order under his hand direct that so many of the prisoners as may be indicated in the order shall be kept and detained in a building or place which is outside the prison and is specified in the order; and that building or place shall be deemed to form part of the prison for the purpose of this Act until the order is cancelled.

#### **6. Production of prisoners before courts, etc.**

(1) Where the presence of a prisoner is required before a court, the court may issue an order addressed to the superintendent requiring the prisoner to be produced before the

court in proper custody at the time and place specified in the order, and may by endorsement on the order require that person to be brought up again at any adjourned hearing.

(2) In subsection (1) of this section, "**proper custody**" means the custody of prison officers. <:»:

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

(4) The Comptroller-General, if he is satisfied that it is in the public interest so to do, upon receipt of a request or subpoena that the presence of a prisoner is required at any place in Nigeria, may by writing under his hand order the prisoner to be taken to that place; and a prisoner taken from a prison in pursuance of any such order shall be kept in such custody while outside the prison as the Comptroller-General may by writing under his hand direct and, so long as he is in that custody, shall be deemed to be in lawful custody.

## **7. Insanity of prisoners**

(1) Where it appears to the superintendent of a prison that a prisoner undergoing a sentence of imprisonment or under sentence of death is of unsound mind, he shall forthwith report the matter to the Minister who-

- (a) shall appoint two or more qualified medical practitioners (one of whom may be the medical officer of the prison) to inquire into the prisoner's soundness of mind; and
- (b) may if he thinks it necessary order the removal of the prisoner from the prison to another prison or to a hospital.

(2) The medical practitioners appointed under subsection (1) of this section shall-

- (a) forthwith examine the prisoner and inquire as to his soundness of mind;
- (b) give their opinion therein in a written report to the Comptroller-General, who shall forward the report to the Minister; and
- (c) if they or a majority of them are of the opinion that the prisoner is of unsound mind, include a certificate to that effect in the report.

(3) Where a prisoner into whose soundness of mind an inquiry has been ordered under subsection (1) of this section 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 medical practitioners has been received;
- (b) if the prisoner is certified to be of unsound mind, the relevant authority shall order execution of the sentence of death to be stayed and may, by order in writing under his hand directed to the superintendent direct that the prisoner shall be removed to a suitable mental hospital;
- (c) on the making of a removal order under paragraph (b) of this subsection, the prisoner shall be removed to the mental hospital in question and, subject to the mental health laws, shall be detained there (or in any other such place to which he may be transferred) during the relevant authority's pleasure;
- (d) if a prisoner so detained is certified by two medical practitioners to be no longer of unsound mind, the relevant authority shall make such order as seems to him to be just or, if he is satisfied that it is proper for him to do so, may by order in writing under his hand direct that the prisoner shall be removed to prison to be dealt with according to law.

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

- (a) the Minister shall by order in writing under his hand addressed to the superintendent, direct that the prisoner shall be removed to a suitable mental hospital;
- (b) a prisoner removed to a mental hospital pursuant to an order made under paragraph (a) of this subsection shall, subject to the mental health laws, be detained therein (or in any other mental hospital to which he may be transferred) until he is certified by two medical practitioners to be of sound mind or until the sentence of imprisonment to which he is subject determines, whichever first

occurs;

- (c) if the prisoner is certified to be of sound mind, he shall by order in writing under the hand of the Minister be removed to prison to serve so much of his sentence as remains;
- (d) if the prisoner is still detained in a mental hospital when his sentence of imprisonment is about to determine, it shall be the duty of the officer in charge of the mental hospital to give such information as may be necessary under the mental health laws to secure consideration of the question whether the prisoner should be detained under those laws as a person of unsound mind from the date of the determination of his sentence.

(5) In this section-

**"the mental health laws"** means the laws prescribing the procedure for finding persons to be of unsound mind and providing for the custody and treatment of persons so found;

**"mental hospital"** means a place lawfully appointed for the custody and treatment of persons of unsound mind;

**"the relevant authority"** means the authority in whom is vested the prerogative of mercy.

## **8. Removal of sick prisoners to hospital**

(1) In case of the serious illness of a prisoner confined in a prison in which there is not suitable accommodation for him, the Comptroller-General (or, in an emergency, the superintendent) may on the certificate of the medical officer by order under his hand direct the removal of the prisoner to a hospital specified in the order.

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

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

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

(5) All reasonable precautions shall be taken by the medical officers and other officers of a hospital to prevent the escape of prisoners removed there for treatment, and it shall be lawful for those officers to take such measures for preventing the escape of prisoners as may be necessary:

Provided that nothing shall be done under this subsection which is likely to be prejudicial to the health of a prisoner.

(6) Where in view of the gravity of the offence for which a prisoner is in custody or for any other reason the superintendent considers it to be desirable to take special measures for the security of the prisoner while he is under treatment in a hospital-

- (a) the superintendent may give the prisoner into the charge of fit and proper persons (not being less than two in number) one of whom at least shall always be with the prisoner day and night, or he may place the prisoner in the charge of a military guard; and
- (b) any person or military guard in whose charge a prisoner has been placed under paragraph (a) of this subsection, shall be vested with full power and authority to do all things necessary to prevent the prisoner from escaping and shall be answerable for his safe custody until he is handed over to the superintendent on his discharge from the hospital or until his sentence expires, whichever first occurs.

(7) So far as any of the foregoing provisions of this section imposes functions upon officers or State Authorities, the functions shall not be exercised except with the consent of the State Authority in question or such other person or authority to whom the power to

exercise such functions has been conferred.

## **9. Discharge of prisoners**

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

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

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

## **10. Use of weapons**

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

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

(3) Subject to subsection (6) of this section, a prison officer may use weapons against a prisoner using violence to the officer himself or to any other prison officer or person if the officer using the weapons has reasonable grounds to believe that he or that other officer or person, as the case may be, is in danger of life or limb or that other grievous hurt is likely to be caused to him.

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

(5) No prison officer, if there is a superior officer present, may use weapons of any sort against a prisoner under subsection (2) of this section except under the orders of the superior officer.

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

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

## **11. Prison visitors**

( 1 ) The following shall be prison visitors *ex officio*-

- (a) in relation to all prisons, the Chief Justice of Nigeria and the other Justices of the Supreme Court; and
- (b) in relation to prisons in their areas of jurisdiction-
  - (i) the President (however styled) and the other Justices of the Court of Appeal;
  - (ii) the Chief Judge and other Judges of the Federal High Court;
  - (iii) the Chief Judge and other Judges of the High Court of each State;
  - (iv) the Grand Kadi, the Acting Grand Kadi and other Judges of the Sharia Court of Appeal exercising jurisdiction in a State;
  - (v) magistrates, district judges, alkali and presidents of area courts; and
  - (vi) justices of the peace.

(2) The Minister, after consultation with the State Authority, may in respect of any prison appoint such persons as he thinks fit to be visitors or members of a visiting committee.

(3) The Comptroller-General may authorise such persons as he thinks fit to be voluntary visitors in respect of any prison or prisons.

(4) Appointments or authorisations under subsection (2) or (3) of this section may, but need not, be notified in the Federal *Gazette* or of the appropriate State.

(5) Visitors, visiting committees and voluntary visitors shall exercise in respect of the prisons to which their appointments or authorisations relate, such functions as may be prescribed.

## **12. Prison medical officers, etc.**

(1) The functions of the medical officer of a prison shall be performed by such of the medical officers in the public service of the Federation or a State as may be directed by the Minister of Health with the concurrence, in the case of medical officers in the civil service of a State, of the State Authority.

(2) The Minister of Health, with the concurrence of the State Authority, may authorise a health superintendent or health sister (or the holder of any corresponding office) in the civil service of a State to attend to matters pertaining to general sanitation in a prison and otherwise to assist the medical officer thereof.

## **13. Prison Officers Reward Fund**

(1) There shall continue to be a fund called the Prison Officers Reward Fund into which shall be paid all fines and forfeitures of pay inflicted upon prison officers for offences against discipline under regulations or standing orders made under this Act.

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

- (a) rewarding prison officers for extra or special services;
- (b) procuring comforts, conveniences and advantages for prison officers which are not chargeable on the general revenue of the Federation; and
- (c) paying any compassionate gratuity which may be granted pursuant to regulations made under section 15 of this Act to the widow or the family of a deceased prison officer.

## **14. Offences**

(1) Any person who-

- (a) brings, throws or otherwise introduces into or removes from a prison, or gives to or takes from a prisoner, any alcoholic liquor, tobacco, intoxicating or poisonous drug or article prohibited by regulations made under this Act; or
- (b) communicates or attempts to communicate with a prisoner without the permission of the superintendent; or
- (c) is found in possession of any article which has been supplied to a prison officer for the execution of his duty or of any other prison property and fails to account satisfactorily for his possession of the article, or without due authority purchases or receives any property from a prison officer, or aids or abets a prison officer to conceal or dispose of any property; or
- (d) by any means directly or indirectly procures or attempts to procure or persuade a prison officer to desert, or aids, abets or is an accessory to the desertion of a prison officer, or having reason to believe that a person is a deserting prison officer harbours that person or aids in his concealment or rescue; or
- (e) directly or indirectly instigates, commands, counsels or solicits any mutiny, sedition or disobedience to a lawful command of a senior officer by a prison officer, or maliciously endeavours to seduce any prison officer from his allegiance or duty; or

- (f) knowingly harbours in his house or land or otherwise, or knowingly employs, any person under sentence of imprisonment who is illegally at large; or
- (g) interferes with a prisoner working outside a prison, or allows such a prisoner to enter any house, yard or other premises (unless it is at the request of the prison officer or other person in charge of the prisoner), or assists such a prisoner to absent himself or neglect his work,

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦400 or to imprisonment for a period not exceeding twelve months, or to both.

(2) If a person reasonably appearing to a prison officer to have committed an offence of the kind specified in subsection (1) (a) or (b) of this section refuses on the prison officer's demand to give his name and residence or gives a name or residence which the prison officer knows or has reason to believe to be false-

- (a) the prison officer may arrest that person and hand him over as soon as possible to a police officer; and
- (b) the police officer shall thereupon proceed as if the offence had been committed in his presence.

## 15. Regulations

The President may make regulations-

- (a) with respect to the organisation and administration of the prisons; and
- (b) on the recommendation of the Federal Civil Service Commission, with respect to appointments to offices in the Nigerian Prisons Service.

## 16. Standing orders

The President may make standing orders for the good order, discipline and welfare of prisons-

- (a) with respect to the organisation and administration of prisons; and
- (b) after consultation with the Federal Civil Service Commission, with respect to any matter relating to appointments to offices in the Nigerian Prisons Service, promotion, transfer, dismissal and discipline of members of the prisons staff.

## 17. Delegation of functions

(1) Subject to this section, the Minister may delegate any of his functions under this Act-

- (a) to a public officer serving in a Ministry or department for which the Minister is responsible; or
- (b) as regards a State or offences committed under the laws of a State, to the State Authority or (with the consent of the State Authority) to an officer in the civil service of the State.

(2) Subsection (1) of this section shall not apply to the power of delegation conferred by that subsection or to any power to make regulations or standing orders.

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

(4) The delegation of a function under subsection (1) of this section shall not prevent the Minister from continuing to exercise the function himself if he sees fit.

## 18. Savings and transitional provisions

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

[Schedule.]

## 19. Interpretation

(1) In this Act, unless the context otherwise requires-

"**Comptroller-General**" means the Comptroller-General of the Nigerian Prisons Service;

"**function**" includes power and duty;

"**medical officer**" in relation to a prison, means a person directed under section 12 of



this Act to perform the functions of medical officer in respect of that prison;

**"Minister"** means the Minister of Internal Affairs;

**"prison"** means a prison declared under this Act;

**"prison officer"** means an officer of whatever rank appointed pursuant to section 1 of this Act;

**"prisoner"** means any person lawfully committed to custody;

**"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 commutation as well as an original sentence passed by a court;

**"State"** means a State of the Federation;

**"State Authority"** means the Governor of a State and "the State Authority", in relation to a particular State or a prison therein, means the appropriate State Authority;

**"superintendent"** in relation to a prison or to a prisoner confined in a prison, means the prison officer or other person for the time being in charge of the prison.

(2) Unless the context otherwise requires, a reference in this Act to a numbered section or Schedule is a reference to the section or Schedule so numbered in this Act.

## **20. Short title**

This Act may be cited as the Prisons Act.

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### **SCHEDULE** [Section 18.]

#### *Savings and transitional provisions*

**1.** The Comptroller-General of Prisons and the officers subordinate to him holding offices in the civil service of the Federation immediately before the commencement of this Act shall, be deemed to have been transferred on the commencement of this Act to corresponding offices under section 1 of this Act.

**2.** All prisons declared under the repealed Prisons Act 1960 shall, if the declarations were in force immediately before the commencement of this Act, be deemed to have been declared under this Act.

[1960 No.41.]

**3.** Subsidiary legislation made or deemed to have been made under the repealed Prisons Act 1960, if it was in force immediately before the commencement of this Act, shall continue in force with necessary modifications and may be amended or revoked as if it had been made under this Act.

**4.** The rights, assets, obligations and liabilities of the Prison Officers Reward Fund as established by the repealed Prisons Act 1960 shall, if they were subsisting immediately before the commencement of this Act, vest in and devolve upon the Fund as continued by this Act.

[1960 No. 41.]

**5.** The Minister may by order in the Federal *Gazette* appoint a day (referred to in this Schedule as "vesting day") for the transfer of local prisons to the Federal Government.

**6.** Until vesting day, local prisons shall be treated as if the Prisons (Control) Act were still in force, with references to the Comptroller-General and this Act substituted for references to the Federal Director of Prisons and the repealed Prisons Act 1960.

[1966 No. 9.]

7. On vesting day-

- (a) every local prison shall be deemed, with effect from that day, to have been declared a prison under this Act; and
- (b) the rights and obligations of any native authority or local government in the land, buildings and equipment of every local prison shall devolve upon the Federal Government.

8. The Minister may by order in the Federal *Gazette*-

- (a) with the concurrence of the Minister of Finance, provide for the payment of compensation for rights devolving under paragraph 7 (b) of this Schedule; and
- (b) make such other provision as he may think necessary to facilitate the operation of the said paragraph 7 of this Schedule.

9. In this Schedule, "**local prison**" means a prison the operational control of which was immediately before the commencement of this Act vested in the Federal Director of Prisons by the repealed Prisons (Control) Act.

[1966 No. 9.]

PRISONS ACT

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

- 1. Prisons (Appellants) Regulations.
  - 2. Prisons (Kafanchan Prison) Order.
  - 3. Appointment of Prisons Order.
  - 4. Prisons (Appropriation) Declaration.
  - 5. Appointment of Special Prison Camps Order.
  - 6. Prisons Regulations.
  - 7. Kirikiri Prison Appropriation (Female Prisoners) Order.
  - 8. Honours (Prison Services) Warrant.
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## PRISONS (APPELLANTS) REGULATIONS

[Regulations. I I of 1936. L.N. 47 of 1955.]

under section 15

1. These Regulations may be cited as the Prisons (Appellants) Regulations.

2. (1) These Regulations shall apply to prisoners who have entered an appeal to the Court of Appeal against a conviction or sentence by a Judge of a High Court in the exercise of the court's original jurisdiction, hereinafter called "appellants".

[L.N. 47 of 1955. Cap. 67.]

(2) Where a Judge of a High Court reserves for the consideration of the Court of Appeal on a case stated by him, any question of law which may arise on the trial by or before such Judge of any person, these Regulations shall apply to the person in relation to whose conviction the question of law is reserved as they apply to an appellant.

[L.N. 47 of 1955.]

(3) Regulations made under the Prisons Act applicable to prisoners generally shall apply to appellants except in so far as they may be inconsistent with these Regulations.

(4) Prisoners appealing to the Court of Appeal against a decision of a High Court in the exercise of that court's appellate jurisdiction shall be subjected to the regulations made under the Prisons Act applicable to prisoners generally.

[L.N. 47 of 1955.]

(5) These Regulations shall not apply to prisoners sentenced to death.

3. (1) Any appellant who, when in custody, is to be brought to any place at which he is entitled to be present for the purposes of the appeal, or to any place to which the Court of Appeal or any Judge thereof may order him to be taken for the purposes of any proceedings of that court, shall, while absent from the prison, be kept in the custody of the officer directed by the superintendent of the prison to convey him to that place or such other person as the Director of Prisons may appoint.

[L.N. 47 of 1955.]

(2) An appellant when absent from prison under this Regulation shall wear his own clothing, or if his own clothing cannot be used, clothing different from prison dress.

4. If an appellant is ordered to be released by the Court of Appeal, payments as specified in this regulation may be made to him in respect of his work during the time he has been specially treated under these Regulations-

[L.N. 47 of 1955.]

	<i>per day</i>
(a) if employed on skilled hard labour	9k
(b) if employed on unskilled hard labour	3k
(c) if employed on light labour	2k

5. (1) An appellant shall be allowed to see his legal adviser, or any other person with whom he desires to communicate regarding the prosecution of his appeal, on any week-day at any reasonable hour, in the sight but not in the hearing of a prison officer.

(2) An appellant shall if necessary for the purposes of his appeal be allowed to see a registered medical practitioner appointed by his friends or legal advisers, on any week-day at any reasonable hour, in the sight but not in the hearing of a prison officer.

6. (1) Writing materials to such extent as may appear reasonable to the superintendent shall be furnished to any appellant who requires them for the purposes of preparing his appeal.

(2) An appellant shall be permitted to write such letters to his legal adviser or others as may be necessary for the prosecution of his appeal.

(3) Any confidential written communication prepared as instructions for his counsel solicitor may be delivered personally to him or his authorised clerk, without being examined by any officer of the prison, unless the superintendent has reason to suppose that it contains matter not relating to such instructions; but all other written communications shall be treated as letters and shall not be sent out of the prison without being previously inspected by the superintendent.

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#### PRISONS (KAFANCHAN PRISON) ORDER

[Order. I I of 1938.]

under section 2

1. This Order may be cited as the Prisons (Kafanchan Prison) Order.

2. The prison at Kafanchan in the Jemaa Local Government Council of Plateau State is appropriated to the detention of persons sentenced in the said Local Government Area in terms of imprisonment not exceeding seven days.

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#### APPOINTMENT OF PRISONS ORDER

[Orders in Council 25 of 1941. 5 of 1942.10 of 1942.10 of 1944. 38 of 1944.25 of 1950.

26 of 1951. 18 of 1953. L.N 129 of 1956. 159 of 1956. 9 of 1957. 33 of 1957. 29 of 1958.

62 of 1958. 125 of 1958.]

under section 2

1. This Order may be cited as the Appointment of Prisons Order.

2. The buildings known as the prison or specifically mentioned at each of the places named in column A of the Schedule hereto are declared to be prisons, as designated in column B.

# SCHEDULE

<i>A</i> <i>Place</i>	<i>B</i> <i>Designation</i>	<i>Order in Council or Legal Notice</i>
Abeokuta, including Abeokuta Prison Quarry Camp .....	Convict Prison	O. in C. No. 26 of 1951 and L.N. 62 of 1958
Apapa (Kirikiri) Calabar, including Calabar Prison Camp .....	"	L.N. 29 of 1958
Enugu, including Hilltop .....	"	O. in C. No. 25 of 1950
Jos .....	"	L.N. 62 of 1958
Kaduna, including Mando Road Prison Camp .....	"	L.N. 125 of 1958
Kakuri .....	"	O. in C. No. 18 of 1953
Lagos, including Ikoyi and Yaba .....	"	O. in C. No. 38 of 1944
Oji River Settlement .....	"	O. in C. No. 10 of 1944
Port Harcourt .....	"	O. in C. No. 25 of 1941
Warri .....	Provincial Prison	O. in C. No. 25 of 1941
Benin City, including Ogba River Camp .....	"	L.N. 23 of 1957
Makurdi (lock-up) .....	"	O. in C. No. 5 of 1942
Ogoja .....	"	O. in C. No. 25 of 1941
Onitsha .....	"	O. in C. No. 25 of 1941
Owerri .....	"	O. in C. No. 25 of 1941
Aba .....	Divisional Prison	O. in C. No. 25 of 1941
Abak .....	"	O. in C. No. 25 of 1941
Abakaliki .....	"	O. in C. No. 25 of 1941
Ado-Ekiti .....	"	O. in C. No. 25 of 1941
Afikpo .....	"	O. in C. No. 25 of 1941
Agbor .....	"	O. in C. No. 25 of 1941
Ahoda .....	"	O. in C. No. 25 of 1941
Aro-Chuku .....	"	O. in C. No. 25 of 1941
Auchi .....	"	O. in C. No. 25 of 1941
Awka .....	"	O. in C. No. 25 of 1941
Badagri .....	"	O. in C. No. 10 of 1942
Degema .....	"	O. in C. No. 25 of 1941
Eket .....	"	O. in C. No. 25 of 1941

*Prisons Act*

<i>A</i> <i>Place</i>	<i>B</i> <i>Designation</i>	<i>Order in Council or Legal Notice</i>
Ijebu-Ode .....	"	L.N. 159 of 1956
Ikom .....	"	O. in C. No. 25 of 1941
Ikot-Ekpene .....	"	O. in C. No. 25 of 1941
Ilaro .....	"	O. in C. No. 26 of 1951
Ilesha .....	"	L.N. 159 of 1956
Itu .....	"	O. in C. No. 25 of 1941
Kafanchan (lock-up) .....	"	O. in C. No. 25 of 1941
Kwale (Obetim) .....	"	O. in C. No. 25 of 1941
Nsukka .....	"	O. in C. No. 25 of 1941
Obubra .....	"	O. in C. No. 25 of 1941
Obudu .....	"	O. in C. No. 25 of 1941
Ogwashi-Uki .....	"	O. in C. No. 25 of 1941
Okigwi .....	"	O. in C. No. 25 of 1941
Okitipupa .....	"	O. in C. No. 25 of 1941
Opobo .....	"	O. in C. No. 25 of 1941
Owo .....	"	O. in C. No. 25 of 1941
Sapele .....	"	O. in C. No. 25 of 1941
Ubiaja .....	"	O. in C. No. 25 of 1941
Umuahia .....	"	L.N. 29 of 1958
Uyo .....	"	O. in C. No. 25 of 1941
Kano .....	Prison for prisoners with sentences of less than fifteen days	L.N. 129 of 1956

**PRISONS (APPROPRIATION) DECLARATION**

[Public Notice. 186 of 1943.]

under section 2

1. This declaration may be cited as the Prisons (Appropriation) Declaration.
2. The prisons which have been or which may hereafter be designated by order as in the first column of the Schedule hereto shall be appropriated to the particular class of prisoners specified in the second column of the said Schedule.

## SCHEDULE

<i>Designation of prisons</i>	<i>Class of prisoner to which appropriated</i>
Convict Prison .....	All classes of prisoners, including convicts with sentences of two years and over.
Provincial and Divisional Prisons .....	All classes of prisoners, but not including convicts with sentences of two years or over.
Juveniles Prison .....	Male or female Nigerian children, as may be stated in any particular case, who in the opinion of a medical officer were not over the age of sixteen at the date of conviction.

### APPOINTMENT OF SPECIAL PRISON CAMPS ORDER

[Order in Council 3 of 1944.]

under section 2

1. This Order may be cited as the Appointment of Special Prison Camps Order.
2. The buildings situated in the area set out in the first column and at each of the places set out in the second column of the Schedule hereto are hereby declared to be prisons as designated in the third column thereof for the area shown in the fourth column of the said Schedule.

## SCHEDULE

<i>Area</i>	<i>Place</i>	<i>Designation</i>	<i>Area</i>
Okwango Forest	No. 1 Banor Main Camp	Convict Prison	Nigeria
Reserve in the Ikom Division and Obudu District of the Ogoja Province	No. 2 Chirk Subsidiary Camp No. 3 Much Wenlock Subsidiary Camp No. 4 Saint Dogs Subsidiary Camp	" " "	" " "

### PRISONS REGULATIONS

[Regulations 2 of 1917. 25 of 1918. 26 of 1918. 19 of 1919. 2 of 1921. 35 of 1926. 23 of 1932. 3 of 1933. 7 of 1933. 9 of 1935. 9 of 1936. 24 of 1940. 20 of 1941. 5 of 1948. 2 of 1948. 5 of 1950. 32 of 1950. 3 of 1951. 49 of 1955. L.N. of 1955.]

under section 15

[1st November, 1947]

[Commencement.]

### *Preliminary*

1. These Regulations may be cited as the Prisons Regulations.

[49 of 1955.]

### PART I

#### *Prisoners*

#### *Admission and discharge*

2. No person may be admitted into a prison unless accompanied by a warrant of arrest, a warrant or order of detention, or a warrant of conviction or commitment; and the superintendent shall verify that the prisoner is the person named in the warrant or order, that the crime, sentence, and date of conviction are recorded therein, and that the warrant or order bears the signature of the proper authority:



Provided always that the child of a female prisoner may be admitted into a prison with its mother if it is at the breast and less than eighteen months old.

3. Prisoners on admission shall be searched by persons of their own sex, apart from all other prisoners. All money, effects, and articles whatsoever, except necessary clothing, shall be taken from criminal prisoners, but nothing shall be taken from debtors and other non-criminal prisoners, except knives, weapons, articles calculated to facilitate escape, prohibited articles and money.
4. All money, effects or articles taken from prisoners, or sent to the prison for their use, and not allowed to be received and retained by them, shall be taken charge of by the superintendent of the prison, and an inventory of them shall be made in the prison register.
5. The name, age, height, weight, features, particular marks, and general appearance of each convicted prisoner, shall be noted in the prison register.
6. The prisoner shall, as soon as possible, be examined by the medical officer, who shall enter in the prison register a record of the state of health of the prisoner, whether it is requisite that he should be vaccinated, and any observations which he may deem it expedient to make.
7. The prisoner shall be cleansed in a bath, and, if a male and convicted, have his hair cut, or on the recommendation of the medical officer, closely cropped or shaved. Female prisoners shall have their hair cut only as shall be necessary for health or cleanliness.

[13 of 1951.]

8. All prisoners, prior to being removed or discharged, shall be examined by the medical officer, and no prisoner shall be discharged except at his own request, while labouring under any acute or dangerous disorder, nor until the medical officer shall certify that such discharge is safe.
9. On the discharge of a prisoner, the clothes in which he was admitted, and any other articles he brought with him on his admission, shall be returned to him, unless it has been found necessary to destroy the clothes, in which case suitable clothing shall be provided at Government expense.
10. No prisoner can, in consequence of misconduct while in prison, be detained in prison beyond the expiration of the term of imprisonment to which he was sentenced by a court of law, unless he has been again brought before a court of law and received a fresh sentence.
11. Should it become expedient to release a prisoner for repatriation outside Nigeria before the expiration of his sentence, in order that he may take ocean or air passage on a given date, the superintendent shall make application to the Minister, through the Director of Prisons, and the Minister may at his discretion sanction such release and order the prisoner's warrant to be endorsed accordingly.

[13 of 1951.]

12. If a convict is ill in mind or body, and his life is endangered by further confinement, or his illness is likely to terminate fatally within a brief period and before the expiration of his sentence or is of such a nature as to endanger the health of other prison inmates, the superintendent and medical officer shall act in the following manner-

[25 of 1918. 35 of 1926.]

- (a) so soon as the medical officer informs the superintendent of the prison, in writing, that a prisoner's life is endangered by further confinement or that a prisoner's illness is likely to terminate fatally within a brief period and before the expiration of his sentence or is of such a nature as to endanger the health of other prison inmates, the superintendent shall at once make inquiries as to the ability and willingness of the prisoner's friends or relatives to take charge of him. If satisfied that the prisoner's friends or relatives will take charge and care of the sick prisoner the superintendent and medical officer shall fill in a warrant of release in the form in the Schedule and forward the same through the Director of Prisons to the Minister for his decision;

- (b) if the case is urgent, communication by telegraph may be resorted to. Such telegrams must state fully and definitely the grounds which necessitate the request; the prisoner's name and number, the place of confinement, his offence, the sentence, the unexpired time, the disease from which he is suffering, the names of friends or relatives willing to look after him, the fact that life is endangered by further imprisonment, and that release will prolong life, or that the prisoner's illness is likely to terminate fatally within a brief period and before the expiration of his sentence or is of such a nature as to endanger the health of other prison inmates (as the case may be). Immediately after the dispatch of the telegram the superintendent and medical officer will fill in a warrant of release in the form aforesaid and forward the same through the Director of Prisons to the Minister for his decision.

**13.** Such release will only be sanctioned by the Minister on the condition endorsed on the warrant for release, i.e., that it does not operate as a commutation of the sentence of imprisonment passed upon the prisoner, and that, at any time during the continuance thereof, the prisoner may be arrested by warrant issued by the Minister, and committed to prison until such time as the original sentence would in due course have expired. In case release is sanctioned, under the foregoing regulation, the warrant for release, duly signed by the Minister shall be filed with the prisoner's commitment warrant in the prison in which he was last confined.

[25 of 1918.]

**14.** In the case of a prisoner who is suffering from pulmonary tuberculosis or leprosy not in itself serious enough to endanger his life under suitable conditions, but liable to endanger the health of other prison inmates, the medical officer shall inform the superintendent of the prison, in writing, who shall take, without unnecessary delay, measures to carry out the recommendations of the medical officer in order to maintain the health of prisoners. In the event of the medical officer recommending the transfer of a prisoner for reasons of health, the superintendent shall forward a detailed report of the case through the Director of Prisons to the Minister for his decision.

[7 of 1933.]

#### *Separation of prisoners*

**15.** Male and female prisoners shall be contained in separate parts of the prison.

**16.** The prisoners of each sex shall, as far as the prison accommodation renders it practicable, be divided into distinct classes, namely-

[23 of 1932. 13 of 1951.]

- (a) prisoners before trial shall be kept apart from convicted prisoners;
- (b) juveniles under sixteen years of age, from adults;
- (c) debtors and other non-criminal prisoners, from criminal prisoners.

**17.** Prisoners for whom separate cells are not provided shall be associated in rooms, with not less than three prisoners in each room.

#### *Liquor and tobacco*

**18.** No spirituous liquor shall be admitted for the use of any prisoner, and no smoking shall be allowed, or tobacco in any form introduced, except under a written order of the medical officer.

**19.** Any order by medical officer for the admission of spirituous liquors or tobacco shall specify the quantity to be admitted, and the name of the prisoner for whose use it is intended, and shall be entered by him in his journal.

**20.** A debtor or other non-criminal prisoner may procure or receive at proper hours moderate quantities of food, wine, malt liquor, clothing, bedding, or other necessities, but subject to examination.

21. A criminal prisoner before trial may provide himself with food and other necessities in the same way as a debtor; and if he does not desire to do so, he shall receive the regular prison allowance of food.

### *Diet*

22. Every prisoner shall be allowed a sufficient quantity of plain and wholesome food, regard being had to the nature of the labour to be performed by him; and the following are the scales of diet to be observed—

[13 of 1951.]

### *Scale A (prisoners on full diet)*

#### *Eastern and Western States*

<i>Daily ration</i>		<i>Daily breakfast ration</i>	
<i>Article</i>	<i>Amount</i>	<i>Article</i>	<i>Amount</i>
Farina .....	1 lb. or	Beans .....	4 oz. and
Whole Maize Flour* .....	1 lb. or	Farina .....	2 oz. or
Yam (unpeeled) .....	2½ lb. or	Whole Maize Flour* .....	4 oz. and
Rice (unpolished) .....	1 lb.	Akara .....	2 oz.
Greens (without stalks) .....	8 oz. or		
Ochro (fresh) .....	3 oz.		
Palm Oil .....	1 oz.		
Salt .....	4 dr.		
Native Pepper .....	4 dr.		
Egusi .....	2 dr.		
Beans .....	1 oz.		
Fish .....	2 oz. or		
Meat .....	2 oz.		
Groundnut .....	3 oz.		

\* The term "Whole Maize Flour" implies flour prepared within the prison by native processes whereby only the husk is discarded.

Note—Meat to be given twice weekly. Yam to be given in convict prisons twice weekly. Fresh ochro when obtainable to be given twice weekly. The daily breakfast ration is additional to the scale given in column 1. This should be given with soup.

Rice should be given for short periods only when other alternatives unavailable.

All articles to be weighed in the raw uncooked state, farina being weighed as grated cassava.

*Northern States*

<i>Daily ration</i>		<i>Daily ration</i>	
<i>Article</i>	<i>Amount</i>	<i>Article</i>	<i>Amount</i>
Guinea Corn Flour .....	1½ lb. or	Gero Flour .....	1½ lb. or
Yam (with peel) .....	3½ lb. or	Maize .....	1½ lb. or
Cassava (for a very short period only) .....	3½ lb. or	Sweet potatoes (for a very short period only) .....	4 lb. or
Rice .....	1¼ lb.	Greens (without stalk) .....	8 oz. or
Ochro .....	3 oz. or	Malted grain (the grain in addition to that used for the flour ration) ...	4 oz.
Beans .....	1 oz.	Groundnut oil .....	1 oz. or
Palm oil .....	1 oz.	Fresh meat (without bone) .....	2 oz. or
Fish .....	2 oz.	Salt .....	6 dr.
Pepper .....	4 dr.	Groundnut .....	4 oz.

The particular districts of prisons for which the above articles of diet are suitable, the specific days on which each article is issued, and the proper quantity (where it is variable) of each article shall be regulated by the Minister of Health. The daily diet is to be issued in three portions at 5.30 a.m., 11 a.m. and 5 p.m. Oil and other ingredients are to be made into soup and served with the yam, farina or rice. When any prisoner is under medical treatment, or when the specially arduous nature of the work upon which he may be engaged (such as quarrying and mining) demands it, he shall receive such and so much other plain and wholesome food as the medical officer shall consider necessary and shall order in writing:

Provided that, if the Superintendent of Prisons, after due consultation with the medical officer is satisfied that the prisoner is not accustomed to a Nigerian diet, a diet on the following scale should be observed.

*Scale B*

<i>Daily ration</i>		<i>Daily ration</i>	
<i>Article</i>	<i>Amount</i>	<i>Article</i>	<i>Amount</i>
Meat (without bone) .....	1 lb.	Rice .....	1½ lb. or
Yam (after peeling) .....	2 lb.	Coffee or tea or cocoa .....	1 oz.
Milk .....	5¾ oz.	Lime juice .....	1 oz.
Sugar .....	1 oz.	Salt .....	⅛ oz.
Pepper .....	⅛ oz.	Flour .....	½ lb.
Vegetables .....	4 oz. or	Greens .....	8 oz.
Fruit .....	½ lb.	Weekly—Lard .....	½ lb.

When any prisoner is under medical treatment, he shall receive such other plain and wholesome food as the medical officer shall consider necessary, and shall order in writing.

*Scale C (Reduced diet for prisoners on Scale A)—*

<i>Daily ration</i>		<i>Daily ration</i>	
<i>Article</i>	<i>Amount</i>	<i>Article</i>	<i>Amount</i>
<i>(a) one to three days—</i>			
Rice .....	½ lb. or	Guinea Corn	½ lb. or
Yam (after peeling) .....	1½ lb.	Salt	1½ dr.
<i>(b) after three days and up to six days—</i>			
Rice .....	½ lb. or	Guinea Corn .....	½ lb. or
Yam (after peeling) .....	1½ lb.	Palm oil .....	½ oz.
Salt .....	3 dr.		
<i>(c) after six days and up to fourteen days: (a) and (b) alternatively.</i>			

*Scale D (Reduced diet for prisoners on Scale B)—*

Daily—Half the amounts shown under Scale B.

If any of the articles of diet in Scale A, B, C and D should not be procurable, the superintendent of the prison may, with the concurrence of the medical officer, provide substitutes.

The quantities prescribed in Scale A may be reduced, or any articles of diet included therein may be omitted, if the medical officer is satisfied that such reduction or omission will not be detrimental to the general health of the prisoners.

**23.** No prisoner shall give or sell any portion of his food, or any liquor or tobacco, which he may be allowed to receive, to any other prisoner. If a debtor, or other non-criminal prisoner, or an untried prisoner transgresses this rule, he shall forfeit the privilege of supplying himself with food, for such period as the superintendent may direct and any money belonging to him in the superintendent's charge may be applied in defraying the cost of the prison allowance, which he shall then receive.

*Clothing*

**24.** Prisoners before trial may wear their own clothes, unless the clothes are insufficient, or are required as evidence at the trial.

**25.** Every convicted criminal prisoner shall be provided with a complete prison dress, and shall be required to wear it at all times during the day. The clothing shall be issuable as follows—

[13 of 1951.]

- (a)* a male prisoner on conviction two jumpers, two pairs of shorts, and two caps; at the end of each six months of his sentence with one each of the above articles; and at any time upon the recommendations of the medical officer—with one linsey grey flannel under-vest;
- (b)* A female prisoner on conviction—with two gowns and one wrapper, and, when necessary, with a further one gown and one wrapper:

Provided that the superintendent of prisons may authorise after due consultation with the medical officer, the issue of the following alternative clothing-

(i) for male prisoners-

Two coats, two pairs of trousers, two flannel shirts, two pairs socks, one sun helmet and, when necessary, with a further one each of the above articles,

(ii) for female prisoners-

Two white drill frocks, short sleeves and belt, three woven cotton vests, three woven cotton panties, three pairs white socks, one pair sandals, one straw hat, two cotton night-gowns, two brassieres, one pair corsets-if recommended by the medical officer.

#### *Bedding*

26. Every prisoner shall be provided with suitable bedding.

27. Convicted prisoners shall not receive any food, clothing, bedding, or any other article, except the prison allowance, unless by order of the medical officer.

#### *Health and cleanliness*

28. The prison and every room and part thereof, and the furniture therein, shall be kept clean, and shall, as often as necessary, be washed or white-washed with lime.

29. All prisoners not employed in the open air shall have the means of taking such exercise in the open air as the medical officer shall deem necessary for their health.

30. An infirmary or proper room or place for the reception of sick prisoners shall be set apart in the prison; and a register of all the prisoners admitted to the infirmary shall be kept by the superintendent, with the date of admission and of discharge.

31. Prisoners shall be required to keep themselves clean and decent in their persons. Every prisoner not exempted by the medical officer shall bath daily.

32. If a prisoner complain of illness to any prison officer, the prison officer shall report the complaint without unnecessary delay to the superintendent, and no prisoner so complaining is to be compelled to labour until he has been examined and directions have been given.

#### *Labour*

33. ( 1 ) Hard labour shall be of two classes-

- (a) stone-breaking, stone-carrying, or such other like description of hard bodily labour, as may be appointed under the general instructions of the Minister; and
- (b) such other description of bodily labour as may be appointed under the same authority.

(2) In every prison where prisoners sentenced to imprisonment with hard labour are confined, adequate means (having regard to the average number of such prisoners confined in that prison) shall be provided for enforcing hard labour of the first class. Employment in the necessary services of the prison may, in the case of a limited number of

prisoners to be elected by the superintendent of the prison, be deemed to be hard labour of the second class.

34. The medical officer shall, from time to time, examine the criminal prisoners under sentence of penal servitude, or imprisonment with hard labour, and shall make an entry in his journal of the physical capabilities of every such prisoner. No prisoner shall be put to any kind of employment for which the medical officer shall have certified him to be unfit until he shall certify that he is fit for such employment.

35. No prisoner shall be employed at hard labour on a Sunday, or on Christmas Day, or on Good Friday; except that if in the interest of public health or of the Government service, it is found necessary to employ prisoners on the days mentioned they may be so employed. No prisoner shall be employed on two successive Sundays unless of his own volition.

**36.** Prisoners who are not ordered to be kept to hard labour shall be employed in some manner as may be best adapted to their skill, ability and strength, and the superintendent may vary such employment from time to time as he may see fit.

**37.** The hours and distribution of the labour of prisoners within and without the precincts of the prison, and for food and rest, shall be as appointed by the Director of Prisons, with the approval of the Minister.

**38.** Prison labour shall be charged for at the following rates-

[32 of 1950.]

	N k
	<i>per day</i>
Skilled hard labour .....	030
Unskilled hard labour .....	0 10
Light labour .....	0 5

#### *Instruction*

**39.** Ministers of religion may be allowed, in the discretion of the superintendent subject to such general directions as may be given by the Director of Prisons, to conduct divine service in any prison on Sunday, Christmas Day and Good Friday between the hours of 9 a.m. and 10.30 a.m. and 2 p.m. and 3.30 p.m.

[35 of 1926.]

**40.** All Christian prisoners shall attend divine service on Sundays, unless prevented by sickness or some other reasonable cause.

**41.** No books or printed papers shall be admitted into the prison for the use of the prisoners, except by permission of the superintendent.

#### *Visits and communication*

**42.** Convicted prisoners shall be allowed to receive a visit from friends in the presence of a prison officer, and to write and receive a letter at the discretion of the superintendent.  
[35 of 1926.]

**43.** If a prisoner, dangerously sick, desires to be visited by any near relation or friend, the medical officer may give an order in writing for the admission of such relation or friend if he considers it advisable.

**44.** No prisoner shall send or receive any letter, parcel, or article of any description, which shall not have been first inspected by the superintendent.

[35 of 1926.]

**45.** All prisoners, other than prisoners under sentence, shall be allowed all reasonable opportunities daily of communicating with their friends or legal adviser, and they may write and receive letters.

**46.** The superintendent of the prison may demand the name and address of any visitor to a prisoner; and when he has any ground for suspicion, may search or cause to be searched male visitors, and may direct a wardress to search female visitors, such search not to be made in the presence of any prisoner or of another visitor, and in case of any visitor refusing to be searched, the officer in charge of the prison may deny such visitor admission, and shall forthwith enter the facts in his journal.

#### *Complaints*

**47.** (1) Prisoners may make complaints to a prison visitor or to the superintendent (or in the case of females to the wardress) but not to any subordinate officer except to report sickness. When a prisoner wishes to make a complaint to the superintendent he should inform the warder in charge of his gang that he wishes to make a complaint. When the prisoners are locked up for the night the warder shall report to the chief warder the name and number of the prisoner who wishes to see the superintendent and the chief warder shall arrange to parade the prisoner before the superintendent on the following morning,

except when the following day falls on Sunday in which case he should be paraded on the Monday following.

[35 of 1926.]

(2) Nothing in this regulation shall prevent a prisoner complaining direct to the superintendent provided the complaint is made when the superintendent is inspecting the prison yard; and frivolous or groundless complaints will be dealt with under regulation 48 (1) of these Regulations.

*Offences against prison discipline*

**48.** Subject to the provisions of regulation 49 of these Regulations, a superintendent or an assistant superintendent in charge of a prison, or the Director of Prisons, or the Deputy Director, or one or more of the visitors of prisons, shall have power to hear and decide a charge against any prisoner and impose punishment in respect of any of the offences following, all of which are hereby declared to be offences against prison discipline-

- (a) violation of any of the regulations of the prison;
- (b) common assaults by one prisoner on another, or on an officer;
- (c) indecent or disorderly behaviour;
- (d) insulting or threatening language to any officer or prisoner;
- (e) receiving or having in possession any article not allowed by the prison regulations;
- (f) wilfully injuring or destroying any tools, or any clothing or other articles, the property of the Government;
- (g) idleness or negligence at work;
- (h) wilfully disabling himself from labour;
- (i) wilful mismanagement of work;
- (j) attempting, conspiring, or assisting to escape;
- (k) secreting any article whatever;
- (l) making any frivolous or groundless complaints;
- (m) abetting the commission of any prison offence;
- (n) leaving without permission of an officer of the prison the gang to which he is attached, or the part of the prison to which he is confined;
- (o) loitering about the yards, or lingering in the wards when they are open;
- (p) removing, defacing, or altering any distinctive number or mark worn on the clothing or person;
- (q) tampering in any way with prison locks, lamps or lights or other property with which he has no concern;
- (r) taking without authority any prison clothing or any of the prison kit of any other prisoner;
- (s) manufacturing any article without the knowledge or permission of an officer of the prison;
- (t) omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner;
- (u) disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed;
- (v) any act or conduct to the prejudice of good order and discipline;
- (w) mutiny or incitement to mutiny;
- (x) personal violence against any officer or servant of the prison.

**49. (1)** When the charge has been heard and decided-

[24 of 1940. 15 of 1948. 21 of 1948.]

- (a) by a superintendent or an assistant superintendent in charge of a prison; or
- (b) otherwise than on oath by the Director of Prisons or the Deputy Director of Prisons, or an inspector of prisons or by one or more visitors of prisons, and the prisoner has been found guilty,



the prisoner may be punished in the following manner, that is to say, he may be ordered-

- (i) to be kept in solitary confinement in a refractory or solitary cell for any term not exceeding six days; or
- (ii) to be kept upon reduced diet (upon the scale set out in these Regulations) for any term not exceeding six days; or
- (iii) to forfeit remission of sentence; or
- (iv) to be whipped with a cane:

Provided that this punishment shall be ordered in respect of offences in paragraphs (w) and (x) of regulation 48 only:

Provided that in case (a), where the prisoner is ordered to forfeit more than fourteen days remission, a report on the case together with the evidence recorded shall be sent to the Director of Prisons.

(2) A prisoner shall lose one day remission of sentence for each day on which he is kept in solitary confinement in a refractory or solitary cell or kept upon reduced diet.

[15 of 1948. 24 of 1940. 21 of 1948. L.N. 1 of 1955.]

(3) When the charge has been heard and decided on oath by the Director of Prisons, the Deputy Director of Prisons, an inspector of prisons or by one or more visitors of prisons (which oath each of them is hereby authorised to administer) and the prisoner has been found guilty, the prisoner may be punished in the following manner, that is to say, he may be ordered-

- (a) to be kept in close confinement in a refractory or solitary cell and on reduced diet (upon the scale set out in these Regulations) for any term not exceeding two weeks; or
- (b) to forfeit remission of sentence; or
- (c) to be whipped with a cane:

Provided that this punishment shall be ordered in respect of offences in paragraphs (w) and (x) of regulation 48 of these Regulations only; or

- (d) in aggravated cases, to undergo any two of the above punishments for the same offence:

Provided that no sentence of two of the prescribed punishments for the same offence imposed by one visitor of prisons other than the Minister, the Attorney-General of the Federation, the Inspector-General of Police, the Deputy Governor of a State shall be executed unless and until it has been confirmed by the Governor of the State except in cases where the visitor imposing the sentence is of opinion that the immediate execution of the sentence is necessary in the interests of discipline and in such case such sentence may by special order of such visitor be executed without such confirmation but in every such case the visitor making such special order shall record the reasons for making such order at the same time that the order is made and shall forward to the Governor a report on the case setting out the reasons for making such special order.

**50.** (1) Where a person has been ordered to receive the punishment of whipping for any offence under regulation 48 of these Regulations, if the punishment is awarded under regulation 49 (1) of these Regulations not more than six strokes and if the punishment is awarded under regulation 49 (2) of these Regulations not more than twelve strokes shall be inflicted, and no prisoner shall be whipped twice for the same offence, nor be sentenced at any time to more than one whipping nor be whipped again until an interval of at least fourteen days shall have elapsed since the last whipping.

[19 of 1936. 24 of 1940. 21 of 1948. L.N. 1 of 1955.]

(2) The punishment of whipping shall be inflicted in the presence of the officer who is, for the time being, in charge of the prison and in the presence of a medical officer, if available. They shall give such orders for preventing injury to health as they may deem necessary, and may order the punishment to be discontinued at any time. Nothing in this or any other regulation shall be deemed to authorise the punishment by whipping of any female prisoner, or of any prisoner under civil process.

**51.** In cases of escaping from lawful custody, and in every case where it appears that the offence by reason of its gravity, or by reason of previous offences, would not be adequately punished under the preceding sections, the accused may be tried by a court and dealt with under the Criminal Code.

[Cap. C38.]

**52.** The superintendent of the prison shall enter in the record of punishments a statement of the date and nature of every offence punished under these Regulations, with the name of the offender and the punishment inflicted.

**53.** Whenever the superintendent considers it necessary (with reference either to the state of the prison, or the character of the prisoner) for the safe custody of any prisoner that he should be confined in irons, he may so confine him. Every such case shall be recorded by the superintendent in his journal.

[35 of 1926.]

*Remission of sentence by mark system*

**54.** Every convicted prisoner undergoing a sentence of imprisonment for a period exceeding one calendar month may earn remission of sentence as the reward for industry accompanied by good conduct.

[20 of 1941.]

**55.** The maximum remission which may thus be earned shall be one-third of the sentence.

[20 of 1941.]

**56.** Notwithstanding the provisions of regulation 55 of these Regulations in any case where a Muslim is sentenced in an area court to a period of imprisonment exceeding one calendar month in respect of an offence for which Islamic law prescribes a fixed sentence the court may endorse on the warrant of imprisonment that such sentence shall be served in full.

[20 of 1941.]

**57.** The amount of remission of sentence which a prisoner may earn shall be determined as follows-

[24 of 1940.]

- (a) a prisoner shall be granted the maximum remission appropriate to his sentence unless he is convicted on any charge under regulation 48 of these Regulations;
- (b) if it is considered that a prisoner has not earned the right to the maximum remission of sentence on any particular day he shall be charged before the superintendent or assistant superintendent in charge of the prison under regulation 48 of these Regulations;
- (c) every forfeiture of the right to remission of sentence by a prisoner shall be supported by an entry in the prisoner's punishment book.

**58.** Cumulative sentences, when imposed at the same time, together amounting to the minimum term of imprisonment prescribed by regulation 54 of these Regulations shall entitle a prisoner to be eligible for remission of sentence for the whole period of such sentences.

[24 of 1940. 5 of 1950.]

**59.** Cumulative sentences when passed at different times, together amounting to the minimum term of imprisonment prescribed by regulation 54 of these Regulations shall entitle a prisoner to be eligible for remission of sentence from the date of passing of the sentence which brings the total sentences passed up to the required period; that is to say, in such a case, the prisoner is eligible for remission in respect of the sentence last passed and of any unexpired portion of his previous sentence or sentences but not in respect of that portion of his previous sentence or sentences which he has already served prior to the date of the passing of the sentence which brings the total sentences passed up to the minimum required.

[24 of 1940. 5 of 1950.]

**60.** Any convict shall be allowed at reasonable times on his application to have the system of remission of sentence explained to him and the system shall be explained by the superintendent in charge of a prison to all convicts at least once a month.

[24 of 1940.]

*Under charge of capital offence*

**61.** A prisoner charged with a capital offence may be placed under restraint by shackles or handcuffs at the discretion of the superintendent, and shall be confined in a solitary cell if a solitary cell is available. If a solitary cell is not available he shall be confined in some safe place within the prison and if possible apart from all other prisoners.

[35 of 1926.]

**62.** Prisoners of this class shall be allowed all reasonable opportunities daily of communicating with their friends or legal advisers, and they may write or receive letters. Visitors to the prisoners shall be admitted only to the place appropriated for the purpose, and in all cases, the visits shall take place in the presence of an officer of the prison. The prisoner will be so placed that he will be able to see and talk to the visitors, but not be able to come in contact with them, and care must be taken that nothing is passed either to or from the prisoner.

**63.** The superintendent will use his discretion as to what guard is necessary for the safe custody of the prisoner. The prisoner should be allowed sufficient exercise daily, under proper supervision, as the medical officer considers necessary.

**64.** The superintendent will inspect the guards and prisoners at least twice a day, and search for any prohibited articles, and will enter in his journal any observations he may have made.

*Under sentence of death*

**65.** (1) Every prisoner sentenced to death shall, immediately on his arrival in prison, be searched by or by the order of the chief warder and every article of private clothing shall be taken away from him as well as all other articles of every description, whether money, jewellery or otherwise and he shall be supplied with a suit of convict clothing, consisting of jumper and shorts to be made of dungaree with the letter "C" on breast and back.

[35 of 1926.]

(2) The prisoner shall then be removed to one of the condemned cells, or, in prisons where there are no condemned cells, he shall be confined in some safe place within the prison and, if possible, apart from all other prisoners, and shall be placed under the constant charge and observation of a guard of three warders detailed by the superintendent.

[35 of 1926.]

(3) The guard shall be changed every 24 hours and shall be mounted at 11.30 a.m. each day. Each sentry shall do two hours' duty at a time, and not more than one man of the guard shall be absent at any time and then only with the permission of the senior officer on duty, in whose presence each change of sentry shall be made.

[35 of 1926.]

**66.** (1) The special guard shall allow no one to approach the cell or communicate with the prisoner except the superintendent, the senior officer on duty, the medical officer, the Director of Prisons, the Deputy Director of Prisons, an inspector of prisons or a prison visitor, and such other persons as may be authorised in writing by the superintendent.

[35 of 1926.]

(2) The warder for the time being on duty shall keep the prisoner in view. To enable him to do this by night a lamp shall be so placed as to throw a good light into the cell. The keys of the handcuffs, if any are imposed, shall be kept by the senior officer on duty in the prison.

[35 of 1926.]

(3) The key of the cell door shall be kept by the senior officer on duty in the prison by day and the patrolling officer by night, so that he may be able to enter the cell without delay in case of emergency.

[35 of 1926.]

(4) The lock used on the cell door shall not be capable of being unlocked by the key of any other lock in the prison.

[35 of 1926.]

(5) The senior officer on duty during the day and the patrolling officer at night shall visit the sentry posted over the condemned cell frequently at uncertain hours. He shall at once report to the superintendent any irregularity or suspicious conduct on the part of the prisoner.

[35 of 1926.)

(6) Every morning and evening the chief warder, under the supervision of the superintendent, shall carefully search the prisoner with his own hands, examine his cell, his handcuffs and irons if they are imposed, and shall satisfy himself that they are sound and secure and that the prisoner has no concealed weapon or any article which may be dangerous in his possession. The result of this examination shall be entered by the superintendent in his journal. The guard shall be searched daily when coming on duty.

[35 of 1926.]

**67.** The condemned convict should be exercised under a double guard for one hour daily.

**68.** In the case of a prisoner sentenced to death, the foregoing regulations shall be applied with such modifications, if any, as the superintendent may think proper, pending the confirmation of the sentence by the proper authority.

**69.** All executions are to take place at the place appointed by the Minister, or by the person nominated by the Minister. The sheriff, or deputy sheriff, the superintendent, the medical officer and the chief warder of the prison shall be present at every execution.

**70.** (1) The sheriff shall be responsible for all preliminary arrangements for an execution and that the gallows are in proper working order at the time of the execution, and the superintendent shall afford the sheriff every facility for discharging this responsibility and generally for the purpose of carrying out the sentence of death and shall be responsible for seeing that any instructions of the sheriff given to him or to any prison officer in connection with the arrangements for the execution or the preparation of the gallows are carried out.

[35 of 1926.]

(2) Subject as aforesaid, the superintendent shall be responsible for maintaining the gallows at all times in a proper condition and ready for use. He shall carefully examine the condition and mechanism of the gallows from time to time and, in any case, on the last working day before the sheriff assumes responsibility prior to an execution.

[35 of 1926.]

**71.** In the event of pregnancy being declared in the case of a female prisoner sentenced to capital punishment, that fact, as certified by the medical officer, is at once to be reported to the President through the Minister or, for orders, and the execution of the criminal shall be stayed pending receipt of those orders.

**72.** A prisoner under sentence of death may be placed under restraint by shackles or handcuffs at the discretion of the superintendent, but, as a general rule in all provincial and divisional prisons, leg-irons should be at once put on.

[35 of 1926.]

**73.** A prisoner under sentence of death may be allowed such amount of alcoholic stimulant as the medical officer may consider necessary. The order shall be in writing, signed by the medical officer, and shall specify the amount allowed and the time when the same shall be administered.

**74.** The body of an executed prisoner shall not be given up to his friends or relatives for burial without the permission of the Minister. If this permission is not given, the body shall be buried in the prescribed place.

**75.** Regulations 65 to 74 of these Regulations inclusive shall be applicable to female prisoners under sentence of death except that-

[35 of 1926.]

- (a) no female prisoner shall be placed in leg-irons, and handcuffs shall not be used unless the superintendent is of opinion that the woman might seriously injure herself if not restrained by these means; and
- (b) the duty of searching shall be performed by the matron or, where there is no

matron, by a wardress.

## PART II

### *Officers*

#### *Prison officers*

**76.** Prison officers are of two classes-the executive staff, and the subordinate staff. It is the duty of all prison officers to obey strictly the laws and regulations relating to the prison; to carry out implicitly the general instructions of the Minister, which are laid down for their guidance; to obey any lawful command given by a superior officer; and to maintain order and enforce discipline with justice, firmness, and humanity.

**77.** No prison officer shall be concerned in any employment not connected with the Government, or have any interest, direct or indirect, in any contract for the supply of the prison.

**78.** No prison officer shall receive any fee or gratuity from, or have any business dealings with, prisoners or with the friends of the prisoners, or with visitors to prisoners.

**79.** No prison officer shall strike a prisoner, except in self-defence or in defence of someone else. Prison officers who carry arms shall only use them when absolutely necessary, and, if possible, in such a way as to disable and not to kill.

**80. (1)** A warder upon entering the prison service shall be made a free issue of-

two suits of uniform, one cap, two shirts, one waterproof cape, one baton, one whistle and chain, two sets of buttons, one pair of designation brasses, which shall be renewable as follows-

one suit of uniform and one shirt every six months;

one cap and waterproof cape yearly; and one baton, one whistle and chain, one set of buttons, and one pair of designation brasses when necessary.

**(2)** A wardress upon entering the prison service shall be made a free issue of two uniform gowns, which shall be renewable when necessary.

**81.** Every prison officer, while acting as such, shall, by virtue of his appointment, and without being sworn in, be deemed to be a police officer, and have all the powers and privileges of a police officer for the purpose of the execution of his duty as a prison officer.

### *Offences*

**82.** Any subordinate prison officer who-

- (a) begins, incites, causes or joins in any mutiny or sedition amongst the staff, or does not use his utmost endeavour to suppress the same, or conspires with other persons to cause a mutiny, or acquiring knowledge of any such mutiny, or intended mutiny, or sedition, does not without delay, give information thereof to his superior officer; or
- (b) strikes or uses or offers any violence against or uses threatening or insubordinate language towards his superior officer; or
- (c) wilfully disobeys any lawful command of his superior officer; or
- (d) commits the offence of being drunk; or
- (e) without leave from his superior officer, absents himself from his quarters or station, or deserts, or attempts to desert from the prison service; or persuades, endeavours to persuade, procures or attempts to procure any person to desert; or
- (f) being a guard or sentry, is found sleeping or drunk on his post, or leaves it before regularly relieved; or
- (g) being employed on duty, is found sleeping or drunk or leaves before being regularly relieved (except in pursuit of any escaping prisoner whom he ought to apprehend); or
- (h) falsely states on enlistment that he has never been convicted of or imprisoned for a criminal offence, or that he has never served in the Nigerian Prisons

- Service, the police or in the Nigerian Military Forces; or
- (i) being under arrest or in confinement, leaves or escapes from his arrest or confinement, before he is set at liberty by proper authority; or
  - (j) neglects, or refuses to assist in, the apprehension of any member of the Nigerian Prisons Service charged with any offence; or
  - (k) pawns, sells, loses by neglect, makes away with, or wilfully or negligently injures any arms, accoutrements, clothing, or necessities, issued for the use of the Nigerian Prisons Service, or any medal or decoration granted him for service or for good conduct; or
  - (l) steals any money or goods, the property of any member of the Nigerian Prisons Service, or steals or embezzles any Government money or goods, or receives any such money or goods, knowing them to have been stolen or embezzled from any member of the Nigerian Prisons Service, or from the Government; or
  - (m) commits any act of plunder, or wanton destruction of property, or commits any offence against the person or property of any person resident in Nigeria; or
  - (n) is guilty of any other act, conduct, disorder or neglect, to the prejudice of good order and discipline, though not specified in the foregoing cases,

shall be deemed to have committed an offence against discipline, and is liable to punishment according to the degree and nature of the offence.

**83.** A superintendent may examine into the truth of any such charge as aforesaid, and, if his decision is against the accused, may impose on him anyone or more of the following punishments-

[35 of 1926. 7 of 1933. L.N. 1 of 1955.]

- (a) extra duty;
- (b) a fine, the maximum of which shall be for a chief warder, N3.00; a trade instructor, ~~N~~2.50k; a senior warder, N2.50k; a first class warder N2; a second class warder, N 1.50k; a third class warder, N1.00; and a wardress, N 1.00;
- (c) stoppage of pay, or attachment of monetary deposit, where there has been loss by neglect of, or injury to, Government property, or absence without leave, provided that any fine and stoppages together shall not exceed a half of the pay due in any month, and that the total stoppages which may be awarded by a superintendent, shall not exceed three months' pay of the offender's rank;
- (d) reduction in rank, subject to the approval of the Director of Prisons, and, when the offender is the holder of a pensionable office, to the covering authority of the Minister;
- (e) dismissal or termination of appointment, but subject to the approval of the Director of Prisons, should the offender be above the rank of third class warder, and to the covering authority of the Minister, when the offender is the holder of a pensionable office.

**84.** A superintendent may place any member of the subordinate staff in open or close arrest, pending the investigation of a charge or during the submission of a case to higher authority.

**85.** The Director of Prisons may increase a fine to double the amounts specified in (b) of regulation 83 of these Regulations, and, if circumstances necessitate his so doing, place any member of the subordinate staff in arrest, examine any charge against him, and award him punishment authorised by the said regulation.

**86.** A person accused of a serious or repeated offence may be brought before a court for trial, and shall be liable, on conviction, to a fine of N40, or imprisonment for three months, or both.

#### *Enlistment and re-engagement*

**87.** Every warder shall be enlisted to serve in the Nigerian Prisons Service for six years, or such other period as may be fixed by the Minister.

[35 of 1926.]



**88.** No warder shall be at liberty to resign or withdraw himself from his duties unless expressly allowed to do so by the Director of Prisons.

[35 of 1926.]

**89.** Any warder of good character who has completed or is within six months of completing his period of enlistment may, with the approval of the Director of Prisons, re-engage to serve for such further period as shall bring him to the date on which he attains the age of 45 years.

[49 of 1955.]

**90.** On reaching the age of 45 years any warder of good character may, if he so desires, and with the approval of the Director of Prisons, continue in the prison service in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to be discharged or to claim his discharge at the expiration of six months after he has been given notice by or has given notice to the Director of Prisons.

[49 of 1955.]

**91.** Every warder shall, on being enlisted and also on being re-engaged for a further period of service, make the following declaration by oath in such manner as he may declare to be most binding on his conscience, and such oath and declaration shall be made before the Director of Prisons, or a superintendent, or a magistrate.

*Oath*

I, A.B., ..... hereby solemnly declare, swear and pledge that in the service of my Country:

1. **I** will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
2. **I** will not discriminate on the basis of religion, tribe, cult, or status or practise any form of partiality in the performance of any official duties.
3. I will always place service to the public above selfish interests, realising that a public office is a public trust
4. I will always perform my official duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
5. **I** will, in the performance of my official duties, eschew and expose corruption and will also not corrupt others or aid or abet corruption in any of its facets in and outside the public service.
6. **I** will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all **I** do. So help me God.

.....

*Signature of Declarant*

DATED at .....this ..... day of .....20 .....

*Director of Prisons, Superintendent or Magistrate*

92. (1) For the purpose of this regulation the word "warder" shall mean all Prison warders (or wardresses) who are not depositors in the Fund established by the Nigerian Social Insurance Trust Fund Act, and are not pensionable under the Pensions Act.

[49 of 1955. Cap. N90. Cap. P4.]



(2) Subject to the provisions of this regulation a warder may be granted the following retiring benefits-  
[49 of 1955.]

- (a) on completion of fifteen or more years continuous service an annual allowance calculated on the basis of 1/960th of his annual emoluments at the date of retirement for each completed month of service prior to the 1st day of January, 1946, and 1/800th of his annual emoluments at the date of retirement for each completed month of service after the 31st day of December, 1945, or in lieu of such allowance a reduced allowance at the rate of three-fourths of such allowance and a gratuity equal to ten times the amount by which such allowance is reduced; or
- (b) on completion of five years but less than fifteen years continuous service a gratuity calculated at 1/20th of a month's pay for each completed month of service prior to the 1st day of January, 1946, and at 6/100ths of a month's pay for each completed month of service after the 31st day of December, 1945:

Provided that there shall not be taken into account for the purpose of computing an annual allowance or gratuity any service before a warder attains the age of eighteen years.

(3) Where a warder has rendered at least 25 years' good service and has attained the age of 45 years but his service has not been continuous, the Minister may, in his discretion, treat such service as if it had been continuous for the purpose of the calculation of the annual allowance and gratuity for which the warder might otherwise have been eligible under paragraph (2) of this regulation on final discharge:

Provided that there shall be deducted from any annual allowance or gratuity so granted any sums previously paid to such warder by way of gratuities, and further provided that this paragraph shall only apply if any annual allowance previously granted under paragraph (2) of this regulation has been suspended during any such further period of service.

[49 of 1955.]

(4) Where the service of a warder has not been such good service as to justify the payment of the full annual allowance or gratuity on discharge for which he would otherwise have been eligible, the Minister may, on the recommendation of the Director of Prisons, approve the award of such reduced annual allowance or gratuity as he may deem just.

[49 of 1955.]

(5) Where a warder who has completed more than five years continuous service dies whilst still in the prison service, the gratuity which might have been payable in accordance with paragraph (2) of this regulation may be granted to his dependants, provided that such gratuity shall in no case exceed one year's emoluments calculated on the final monthly rate of pay at the date of his death.

[49 of 1955.]

(6) Every warder who joined the prison service prior to the commencement of the Act shall be entitled, if he so elect, to such pension or gratuity as he would have earned under the law in force when he enlisted in lieu of the annual allowance or gratuity hereby conferred.

[49 of 1955.]

(7) If any warder to whom an annual allowance has been granted under this regulation is sentenced to a term of imprisonment before any competent court for any criminal offence then in every such case the Minister may direct that such allowance shall forthwith cease:

Provided always that the allowance shall be restored with retrospective effect in the case of a warder who, after conviction as above described, at any time receives a free pardon and provided further that where an allowance ceases by reason of the conviction of the warder to whom it was granted, the Minister may cause all or any part of it to be paid to or applied to the benefit of any wife, child or children of such warder, or, after the expiration of the sentence, to the warder.

(8) This regulation shall be deemed to have come into operation on 1 November, 1947.

[49 of 1955.]

**93.** Leave of absence shall be granted to all warders on the same conditions as those applicable to officials and employees in other Government departments, in accordance with the provisions made from time to time in the Federal Civil Service Regulations.

**94.** A wardress shall not be enlisted but engaged by agreement, under which she shall be subject to the same rules as regards discipline and leave of absence as a warder.

*General duties of the staff*

**95.** The Director of Prisons shall exercise general control over and management of the prison system within the limit of his jurisdiction. He shall be responsible to the Minister for the condition and maintenance of prison buildings and lands; the discipline, food and labour of prison inmates, the issue and upkeep of bedding, clothing and general stores; the conduct and efficiency of the senior and junior staff; the correct and systematic keeping of prison registers and records, the accurate and punctual rendering of financial and other returns; the economical management of public funds; and the strict observance of all prison regulations and instructions in force for the time being.

**96.** The superintendent shall reside within the prison, or so near to it as circumstances permit.

**97.** He shall not be absent from the prison for a night without the consent of the Director of Prisons or an administrative officer, and his leave of absence, with the name of the officer granting it, shall be entered in his journal. If absent without leave for a night from unavoidable necessity, he shall state the fact, and the cause of it, in his journal.

[L.N. I of 1955.]

**98.** He shall strictly conform to the law and regulations relating to prisons, and shall be responsible for the due observance of them by his subordinate officers.

**99.** He shall be responsible to the Director of Prisons for the proper management of the prison, and for the conduct and efficiency of subordinate officers, and the treatment of prisoners. He will enforce due economy in connection with the prison, sign all demands for stores, and preserve cleanliness and order in the building and among its inmates.

**100.** He shall visit and inspect daily every part of the prison, and see prisoners once at least in every 24 hours. Once at least in each week, he shall go through the prison at an uncertain hour of the night, recording the fact in his journal. When visiting or inspecting the female prisoners, he shall be accompanied by a wardress.

**101.** He shall from time to time test the quantity and quality of the rations supplied to the prisoners. He shall investigate the complaints of the prisoners and hear their applications on any point as soon as practicable, and shall take care that any prisoner wishing to appeal to an authorised visitor shall have an opportunity of doing so. Should, however, repeated complaints of a groundless nature be made under this rule, the matter shall be treated as a breach of prison discipline, and the offender will be liable to punishment accordingly.

**102.** He shall hand to the medical officer daily a list of prisoners who are ill, or complain of illness, or who appear to him to require attention in mind or body, or who are in solitary confinement; and he shall carry into effect whatever written instructions may be given to him by the medical officer, if not contrary to these Regulations. Cases of sudden illness will be reported to the medical officer without delay.

**103.** He shall, upon the death of any prisoner, give immediate notice to the coroner, and when practicable, to the most accessible known relative of the deceased.

**104.** He shall make up and keep the following records and accounts-

- (a) a register of all prisoners, with the sentence, the date of commitment, and the date at which the sentence will expire;
- (b) a record of articles taken or detained from prisoners;
- (c) a journal of matters by these Regulations directed to be recorded, and of all other important occurrences;
- (d) a record of the times and manner of employment of prisoners;
- (e) a prison store-book, the entries in which shall be made daily;
- (f) a record of punishment for prison offences, and a general mark account;
- (g) a record of all cases of sickness, distinguishing infirmary cases, with the number of days spent in the infirmary;
- (h) an official visitors' book;
- (i) a book for ordinary visitors to prison or prisoners;

- (j) a ration book, the entries in which shall be made daily;
- (k) an officers' report book.

**105.** He shall be responsible for the safe custody of all journals, registers, books, warrants and other documents, confided to his care.

**106.** In cases of sudden emergency, the superintendent of the prison shall take such action as may in the circumstances in his judgment be necessary, entering the particulars in his journal, and forthwith making a report of the same to the Director of Prisons.

**107.** If an administrative officer, or other officer, not belonging to the Nigerian Prisons Service, is appointed to be the superintendent of a prison, he may, at the discretion of the Director of Prisons, be relieved of such of these duties as may be necessary, and they shall then devolve upon the chief subordinate officer under his general supervision and control.

*General duties of subordinate staff*

**108.** No subordinate officers shall be absent from the prison during hours of duty without the permission of the superintendent, and before leaving the prison at any time he shall deposit his keys in the prison office.

**109.** Subordinate officers shall not receive visitors in the prison, without permission of the superintendent.

**110.** Subordinate officers shall perform such duties as shall be directed by the superintendent.

**111.** Subordinate officers shall daily examine the state of the cells, locks, bolts and fastenings, and shall seize all prohibited articles, and deliver them forthwith to the superintendent.

**112.** No subordinate officer shall, unless desired by the superintendent, convey any letter, parcel, article or message to or from any prisoner.

**113.** Subordinate officers shall forthwith report to the superintendent any irregularities or offences on the part of prisoners or officers.

**114.** No subordinate officer shall punish a prisoner, except when ordered to do so.

**115.** The wardress shall have charge of the female prisoners while she is in the precincts of the prison. She shall be under the chief subordinate officer of the prison, and shall not absent herself from her duties without permission. She shall perform the same duties in regard to the female prisoners, and be bound by the same rules, as apply to warders in the case of male prisoners.

**116.** She shall not punish any female officer or prisoner, except under the instructions of the chief subordinate officer. When she is absent, or off duty, she shall leave the keys in charge of the chief subordinate officer, who, except in the case of emergency, shall not unlock the door of the rooms in which the female prisoners are confined.

**117.** She shall accompany every male officer who enters the female wards or cells for the purposes of inspection when any female prisoners are there.

*General duties of the medical officer and the dispenser*

**118.** Unless absent from the station, the medical officer shall visit the prison every day, and shall see every prisoner in the course of the week, and every prisoner confined in a punishment cell once a day, and every sick prisoner once a day, or oftener, if necessary, and when necessary, shall direct any prisoner to be removed to the infirmary.

- 119.** He shall at uncertain times inspect the prisoners whilst at hard labour, and shall direct such modifications of labour, diet and punishment as in particular cases he may deem necessary.
- 120.** He shall enter by day, in a case-book to be kept in the prison, an account of the disease, condition and treatment of every sick prisoner.
- 121.** He shall give directions in writing for separating prisoners having infectious disease, for cleansing and disinfecting any room or cell occupied by such prisoner, and for cleansing, disinfecting or destroying, if necessary, any infected apparel or bedding.
- 122.** He shall report in writing to the superintendent, for the information of the Director of Prisons, the case of any prisoner appearing to be insane, or whose mind appears likely to be injuriously affected by the discipline or treatment, with such directions as he may think necessary.
- 123.** Whenever he may be of opinion that the life of any prisoner is endangered by his continuance in prison, he shall state in writing such opinion, and the grounds thereof, to the superintendent, who shall without delay transmit such report to the Director of Prisons.
- 124.** The medical officer shall have general supervision, and shall inspect from time to time the sanitary conditions of the prison, the clothing, bedding and food of the prisoners; and shall give all necessary directions in writing with reference to the same.
- 125.** He shall at the end of each quarter inspect every part of the prison, and shall make a report in writing to the Director of Prisons, for the information of the Minister upon the sanitary state of the prison, and the health of the prisoners.
- 126.** If any epidemic or highly infectious disease should break out, or if any other circumstance affecting the health of the prisoners should require unusual measures, he will make immediate report of the same to the Director of Prisons.
- 127.** He shall forthwith, on the death of any prisoner, enter in his case-book the time when the illness was first observed, when it was reported to him and when it assumed a dangerous character; the nature of the disease, the time of death, and an account of the appearances after death, together with any special remarks that appear to him to be required. He will notify the death, without delay, to the superintendent, who will communicate with the coroner for the purposes of inquest.
- 128.** The dispenser shall be subject to the orders of the medical officer, who shall instruct him and direct and supervise his work.
- 129.** He shall attend in the infirmary from 6 a.m. to 11 a.m., and from 2 p.m. to 5 p.m. He shall not at any time be absent from the prison, without the permission in writing of the medical officer, and if so absent, he shall leave word with the gate-keeper where he is to be found.
- 130.** He shall be responsible for the correct dispensing of all prescriptions, for the proper dressing of all surgical cases which he may be directed to dress and for the care of all medicines, medical stores, surgical instruments and appliances in the infirmary.

**131.** He shall not dispense any medicament or issue any drug of any kind, except upon the order of the medical officer.

**132.** He shall have all urgent cases removed to the infirmary, and shall send at once to the medical officer.

**133.** He shall see that the meals of the prisoners who have been admitted to the infirmary are served at the proper hours, and that each patient receives the diet, medicine and appliances ordered by the medical officer.

**134.** He shall act as a nurse, and shall be bound, as far as they are applicable, by the rules issued for the guidance of nurses in the public hospital.

**135.** He shall submit to the medical officer, when he visits the prison, a report containing the names of those in the infirmary and of those who desire to see the medical officer or who appear to him to be out of health.

**136.** He shall be responsible for the keeping of all the books in use in the infirmary, with the exception of those directed to be kept by some other officer; and he shall prepare the requisitions for all supplies which may be needed in the infirmary.

### **PART III**

#### *Miscellaneous*

##### *Gate rules*

**137.** The gates of the prison shall be closed between the hours of 6.30 at night and 6.30 in the morning, to the ingress and egress of all persons other than prison officers on duty, prison officers resident within the prison, the medical officer, the dispenser, or (in special cases) any person authorised by the Director, or officer in charge (who shall report the case to the Director), and visitors to prison officers resident in the prison.

**138.** No person, other than prisoners and prison officers, may reside within the prison.

**139.** The warder on gate duty shall take charge of all letters and parcels, or articles sent in by hand or by the postal authorities, for any prisoner and deliver them to the superintendent.

**140.** He shall examine all articles carried into or out of the prison, and shall stop any person bringing in spirits or other prohibited articles, or carrying out any property belonging to the prison, and shall give immediate notice thereof to the superintendent.

**141.** He shall carefully examine the orders for the admission of prisoners' friends, and if there is ground to suspect or believe that the person presenting the order has obtained it under false pretences, such person shall not be admitted to the prison until a report has been made to the superintendent, and his directions received thereon,

**142.** The warder on gate duty shall suppress any brawling or other disturbance by the public, which may occur within the vicinity of the gate, and, for such purpose, he shall have all the powers of a police officer.

*Visiting Committee*

**143.** One or more of the visiting committee of each prison shall visit the prison at least once in every month between the hours of 9 a.m. and 3 p.m.; inspect the several wards, cells, yards, solitary or punishment cells, and other apartments or divisions of the prison; hear the complaints (if any) of the prisoners; inspect the journals, registers, and books of the prison, and shall call the attention of the superintendent of the prison to any irregularity in carrying out the prison regulations, or in the discipline or behaviour of the officers, or any fault in the buildings which may appear to require attention, and may examine into and give directions respecting any cause of complaint stated by any prisoner.

[35 of 1926.]

**144.** A book shall be kept in the prison, called the Visitors' Book, in which shall be entered all visits and observations made by the committee, either individually or collectively, or by the other prison visitors.

**145.** A visitor may see any person committed to close confinement, and may receive any representation from him as to his treatment, and inquire into the same, but is not to converse or hold any other communication with him unconnected therewith.

**146.** Each committee shall at the end of every year, and at such times as the Minister may direct, make a report in writing to the Minister as to the general state and management of the prison under its charge, accompanied by such recommendations as the committee may think proper.

[7 of 1933. L.N. 1 of 1955.]

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SCHEDULE

[As amended by 35 of 1926.]

*Warrant for release*

In the matter of (a) ..... a prisoner confined at  
(b) ..... and now undergoing a sentence of  
(c) ..... for (d) .....  
of which sentence (c) ..... is still unexpired under the mark system.  
I have made inquiries and am satisfied that in the event of the release of the said (a) .....  
..... on the ground of ill health (e) .....  
the friends or relatives of the said (a) ..... are able and willing to  
proper support and take charge of the said (a) .....

.....  
*Signature*

(f) *Description* ..... and  
I, (g) ..... hereby certify that the said

*Warrant for release—continued*

(a) ..... is now suffering from (h) .....

and that in my opinion—

- A. (1) Further imprisonment will endanger his life; or  
(2) His illness is likely to terminate fatally within a brief period and before the expiration of his sentence; or  
(3) His illness is of such a nature as to endanger the health of other prison inmates;
- B. (1) He is capable of being now removed;  
(2) \*His release will prolong his life;
- C. \*That there is no probability that the said (a) .....  
will ever or immediately be physically capable of repeating the crime for which he is now undergoing sentence.

.....  
*Signature*

*Description* .....

I, ..... Minister, hereby direct that the said

(a) ..... be forthwith released and handed over to the care

of (e) ..... provided that nothing herein contained shall

operate as a commutation of the sentence of imprisonment passed upon the said (a) .....

..... and that at any time during the continuation thereof

the said (a) ..... may, by warrant issued by a Magistrate,

be arrested and committed to prison until such time as the original sentence would in due course have expired.

.....  
*Minister*

(a) Prisoner's name and number

(e) Friend's or relative's name

(b) Place

(f) Officer-in-charge certifying the facts

(c) Time

(g) Medical officer's name

(d) Offence

(h) Disease

\* Delete if unapplicable.

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## **KIRIKIRI PRISON APPROPRIATION (FEMALE PRISONERS) ORDER**

[L.N. 126 of 1961.]

under section 2

[1st November, 1961]

[Commencement.]

### **1. Short title**

This Order may be cited as the Kirikiri Prison Appropriation (Female Prisoners) Order.

### **2. Accommodation for female prisoners**

Part of Kirikiri Prison, Apapa, in Lagos shall be appropriated for the imprisonment of female prisoners of every description instead of Ikoyi Prison.

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## **HONOURS (PRISON SERVICES) WARRANT**

### **ARRANGEMENT OF ARTICLES**

#### **ARTICLE**

1. Establishment, etc., of medals for prison service.
2. Eligibility for award of medals.
3. Award of bar or clasp for additional services.
4. Recommendation for award of medals and clasps.
5. Mode of awarding medals, etc.
6. Form of medals, etc.
7. Miniatures and ribbons.
8. Deprivation and restoration.
9. Replacement of lost medal.
10. Interpretation.
11. Short title.

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## **HONOURS (PRISON SERVICES) WARRANT**

under section 1

[14th April, 1972]

[Commencement]



## **1. Establishment, etc., of medals for prison service**

(1) There are hereby established for the prison service the following medals, namely-

- (a) the Nigeria Prison Service Cross;
- (b) the Long Service and Good Conduct Medal; and
- (c) the Meritorious Service Medal.

(2) The number of Meritorious Service Medals awarded in any one year shall not exceed six (exclusive of medals issued as replacements under article 9 of this warrant) save that if the President is of the opinion that special circumstances justify an exceptional award he may exceed that number.

## **2. Eligibility for award of medals**

(1) The Nigeria Prison Service Cross may be awarded to any member of the prison service for a most conspicuous act of gallantry in the course of duty.

(2) The Long Service and Good Conduct Medal may be awarded to any member of the prison service who has completed eighteen years continuous service (exclusive of any period of service in the armed forces) with an exemplary record, that is to say, his conduct sheet shows that-

- (i) he has not suffered any punishment during the period of twelve years immediately preceding the date of his recommendation for the award; or
- (ii) he has not suffered any punishment during the period of six years immediately preceding the date of his recommendation for the award and he has not suffered more than six punishments, of which none is a major punishment, during the whole period of his service.

(3) The Meritorious Service Medal may be awarded to any prison officer for long and devoted service characterised by exceptional ability and exemplary record.

## **3. Award of bar or clasp for additional services**

(1) If a person to whom the Nigeria Prison Service Cross has been awarded under article 2 (1) of this warrant, subsequently performs another act which, if he had not been awarded that medal, would have rendered him eligible for it, he may be awarded a bar to be affixed to the ribbon attached to the medal, and an additional bar may be awarded for every additional performance of such acts.

(2) Where a holder of a Long Service and Good Conduct Medal completes a total of 25 years' service (including his service before the award of the medal) with such exemplary record as is mentioned in article 2 (2) of this warrant, he may be awarded a clasp to be affixed to the ribbon attached to the medal, and he may be awarded another clasp at the completion of a further period of five years service thereafter with exemplary record.

## **4. Recommendation for award of medals and clasps**

The President shall not award a service medal, or a bar or clasp thereto to any person, unless the Director of Prisons submits a recommendation for the award in respect of that

person to the Immigration and Prisons Services Board and the Immigration and Prisons Services Board recommends that person to the President for the award.

[1986 No. 14.]

## **5. Mode of awarding medals, etc.**

(1) The President shall by notice in the Federal *Gazette* signify his intention of awarding a person a service medal, a bar or clasp thereto.

(2) Subject to paragraph (3) of this article, a person shall be awarded a service medal or a bar or clasp thereto when he is presented with the medal, or bar or clasp by the President in person at an investiture held for the purpose.

(3) If in the case of any person it appears to the President expedient to dispense with the requirements of paragraph (2) of this article, he may direct that that person shall be awarded the medal or bar or clasp in such manner as may be specified in the direction.

(4) It shall be the duty of the Secretary to the Federal Government or of such other officer as the President may determine, to establish and maintain a register in respect of each medal and to enter in the register particulars of the persons awarded the medal or any bar or clasp thereto.

## **6. Form of medals, etc.**

(1) The Nigeria Prison Service Cross-

- (a) shall consist of a Maltese Cross of silver metal with the outer edges joined by coiled ring, having, on the obverse, in the centre, a shield similar to that forming part of the arms of the Federal Republic, the shield being surrounded by a laurel wreath and the uppermost arm of the cross having on it a representation of an eagle, and on the reverse, the words "for gallantry" in the centre and "The Nigeria Prison Service" at the upper arm of the cross; and
- (b) shall have attached to it a ribbon one and a quarter of an inch wide divided laterally into five equal divisions of which the first shall be yellow, the second and fourth blue, the third, green with a red stripe one-sixteenth of an inch wide running along its centre, and the fifth yellow.

(2) The Long Service and Good Conduct Medal-

- (a) shall consist of a circular disc of silver-plated metal having, on the obverse, the arms of the Federal Republic surrounded by the words "Federal Republic of Nigeria" and on the reverse a representation of a phoenix rising from a name and looking towards the sun, the representation being surrounded by the words "Nigeria Prison Service: for Long Service and Good Conduct"; and
- (b) shall have attached to it a ribbon, one and three eighths of an inch wide, divided laterally into three equal divisions of which the first and third shall be khaki and the second rifle green, with a silver stripe one-eighth of an inch wide running down its centre.

(3) The Meritorious Service Medal-

- (a) shall consist of a circular disc of gold-plated metal having on the obverse the arms of the Federal Republic surrounded by the words "Nigeria Prison Service: for meritorious service"; and
- (b) shall have attached to it a ribbon one and three-eighths of an inch wide divided laterally into three equal divisions of which the first shall be khaki, the second gold and the third rifle green.

## 7. Miniatures and ribbons

The holder of any service medal may, when not wearing the medal itself, wear on the left breast of his outer garment-

- (a) a miniature reproduction of the medal (and of any bar or clasp thereto which has been awarded to him) of such size and pattern as may be approved by the President; or
- (b) a piece of ribbon of the same width and design as the ribbon attached to the medal bearing, in the case of a person who has been awarded one or more bars or clasps to the medal, the corresponding reproductions of the clasp of such size and pattern as may be approved by the President.

## 8. Deprivation and restoration

(1) Subject to paragraph (3) of this article, where the holder of a service medal or bar or clasp thereto is convicted of a criminal offence or is dismissed or removed from the prison service for misconduct, the President may on the recommendation of the Director of Prisons-

- (a) by notice in the Federal *Gazette* deprive that person of that medal, or the medal and bar thereto where any bar has been awarded, or the medal and clasp thereto where any clasp has been awarded;
- (b) by the like notice restore any such medal, bar or clasp thereto to the person who has been deprived thereof in pursuance of this article, and on the publication of the notice under this paragraph in respect of any person, the officer charged with the duty of maintaining the register established in pursuance of this warrant in respect of any medal, bar or clasp to which the notice relates shall forthwith strike out or re-insert the particulars of that person in that register as the case may require.

(2) On the publication of a notice under paragraph (1) (a) of this article in respect of any person, that person shall forthwith deliver up every medal, bar or clasp to which the notice relates together with its ribbon to, or in accordance with the direction of, the Secretary to the Federal Government.

(3) No holder of a service medal who has been convicted of a criminal offence shall be deprived of his service medal, bar or any clasp thereto unless-

- (a) the time for bringing an appeal against the conviction has expired without such an appeal having been brought; or

- (b) such an appeal having been brought has been abandoned or has been finally determined by the upholding of the conviction.

## **9. Replacement of lost medal**

Where the Director of Prisons is satisfied after an inquiry that a service medal or bar or clasp thereto awarded in pursuance of this warrant has been lost or destroyed, he may submit a report of such inquiry through the Minister, who may recommend to the President that a replacement be issued to the holder of the lost medal or bar or clasp thereto and on such recommendation the President may authorise the issue of a replacement accordingly; but except where the report of the inquiry shows that the loss or destruction of the medal or bar or clasp thereto occurred while the holder was on duty or was due to circumstances beyond his control, a replacement shall not be issued until the cost thereof has been paid by the holder.

## **10. Interpretation**

- (1) In this warrant-

**"holder"** in relation to a service medal or bar or clasp means a person who has been awarded that medal or bar or clasp and has not been deprived thereof or who having been deprived of it has had it restored to him;

**"major punishment"** has the meaning assigned thereto in the Standing Orders made under section 16 of the Prisons Act;

[Cap. P29.]

**"Minister"** means the Minister for Internal Affairs;

**"prison officer"** means any officer of whatever rank appointed to carry out duties in relation to prisons constituted under the Prisons Act;

**"prison service"** means the Nigeria Prison Service;

**"service medal"** means any medal established by article 1 (1) of this warrant.

(2) In the case of a ribbon which in pursuance of this warrant is divided laterally into a number of divisions, reference in this warrant-

- (a) to the first of those divisions is a reference to the division which, when the ribbon is viewed from the front, lies to the left of all the other divisions;
- (b) to the second of those divisions is a reference to the division adjacent to the first division, and so on from left to right.

## **11. Short title**

This Warrant may be cited as the Honours (Prison Services) Warrant.