

## IMMIGRATION (AMENDMENT) DECREE 1972



## Decree No. 8

[10th April 1972]

Commence-  
ment.Restriction  
on Immi-  
gration,  
etc. 1963,  
No. 6.

1.—(1) As from the commencement of this Decree, no person (other than a Nigerian citizen or a citizen of a country in respect of which there is in force an order made by the Commissioner under section 31 of the Immigration Act 1963 abolishing or suspending the requirement of a visa or other entry permit) shall enter Nigeria for any purpose whatsoever unless he holds a visa or entry permit, whichever is appropriate to his case, issued in accordance with the provisions of this Decree; and accordingly, the provisions of the Immigration Act 1963 are amended as set out in the Schedule to this Decree.

(2) Applications for visa or entry permit shall be made to the appropriate diplomatic Nigerian Mission established abroad and the diplomatic head of that Mission shall—

(a) in the case of a person visiting Nigeria, if satisfied that it is a proper case, issue a visa or entry permit;

(b) in the case of—

(i) government officials of countries other than Nigeria,

(ii) personnel of United Nations Organisation and its agencies,

(iii) personnel of the Organisation of African Unity and its agencies,

(iv) persons seeking entry under any technical aid scheme,

(v) specially organised economic and trade delegations, and

(vi) persons specially invited by the Federal Military Government, issue the appropriate entry permit;

(c) in the case of a person seeking entry into Nigeria for the purpose of taking up employment under a contract of service with the Federal Military Government or the Government of any State of the Federation (other than by way of technical aid), his spouse and dependants, on the production by that person of the contract of service or such other evidence as may be satisfactory to the diplomatic head of the Mission, issue the appropriate entry permit;

(d) in the case of a person seeking entry into Nigeria for the purpose of taking up employment in Nigeria, refer the application to the Federal Ministry of Internal Affairs at Lagos.

(3) Where no diplomatic Nigerian Mission is established in the country concerned an application shall—

(a) if there is an agreement between Nigeria and the Government of that country for the performance by that Government of consular functions on behalf of Nigeria, be made to that Government; and

(b) if there is no such agreement, be made to such diplomatic mission as may be designated by the Federal Commissioner for External Affairs.

(4) Nothing in this section shall apply to—

(a) persons who after a tour of duty with the Federal or any State Government, or corporation or company owned or controlled by any such government are abroad on leave with the intention of resuming duty in Nigeria thereafter ;

(b) spouses and children of persons within paragraph (a) above ;

(c) persons otherwise employed in Nigeria and their spouses and dependants who before departure on leave apply for and obtain a re-entry permit from the chief federal immigration officer ;

(d) transit passengers who remain in or in the vicinity of the port of entry for a period of time not exceeding 48 hours.

Citation  
extent, etc.

2.—(1) This Decree may be cited as the Immigration (Amendment) Decree 1972 and shall apply throughout the Federation.

(2) This Decree shall be read as one with the Immigration Act 1963.

## SCHEDULE

## Section 1

### AMENDMENTS TO THE IMMIGRATION ACT 1963

1. In section 9 (1) after the word "may" in the first line of that subsection, there shall be inserted the words, "subject to the provisions of the Immigration (Amendment) Decree 1972,".

2. In section 17 (4) (a) for the words from "or any" to the end of the paragraph, there shall be substituted the words "and any entry permit issued under the Immigration (Amendment) Decree 1972 ; or".

3. Section 32 (2) shall be omitted.

4. In section 49 (c), after the word "residence" there shall be inserted the words "or other".

MADE at Lagos this 10th day of April 1972.

GENERAL Y. GOWON,  
Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria

### EXPLANATORY NOTE

*(This note does not form part of the above Decree but is intended to explain its purport)*

The above Decree makes fresh provisions with respect to the issue of visas or permits for entry into Nigeria. Visitors permits and certain specified classes of permits may now be issued by Heads of Nigerian Missions abroad. All applications by persons seeking entry into Nigeria for the purpose of taking up employment must be referred to the Federal Ministry of Internal Affairs in Lagos.

## PRISONS DECREE 1972



## ARRANGEMENT OF SECTIONS

## Section

1. The Director and his staff.
2. Establishment and classification of prisons.
3. Legal custody of prisoners.
4. Hard labour.
5. Removal of prisoners.
6. Production of prisoners before courts, etc.
7. Insanity of prisoners.
8. Removal of sick prisoners to hospital.
9. Discharge of prisoners.
10. Use of weapons.
11. Prison visitors.
12. Prison medical officers, etc.

13. Prison Officers Reward Fund.
14. Offences.
15. Regulations.
16. Standing orders.
17. Delegation of functions.
18. Repeal, etc.
19. Interpretation.
20. Citation and extent.

## SCHEDULES

Schedule 1—Repeals.

Schedule 2—Saving and Transitional Provisions.

## Decree No. 9

[10th April 1972]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. There shall be in the public service of the Federation a Director, 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 Director as may be necessary for the proper operation of the service.

The Director and his staff.

2.—(1) The Commissioner 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.

Establishment and classification of prisons.

(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 Commissioner by order in the Federal Gazette to be part of the prison.

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

(4) The Commissioner 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 may 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.

Legal  
custody of  
prisoners.

3.—(1) Subject to subsection (2) below, 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 Decree 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 Decree, 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.

Hard labour.

4.—(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) above 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 Decree or regulations made thereunder providing for the remission of sentences.

Removal of  
prisoners.

5.—(1) The Director or, if so authorised in writing by the Director, 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 under which he is imprisoned, 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 of any part of the sentence which remains unexecuted.

(2) Where it appears to the Director—

(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 Director 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 purposes of this Decree until the order is cancelled.

6.—(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.

Production of prisoners before courts, etc.

(2) In subsection (1) above "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 Director, 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 Director 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.—(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 Commissioner who—

Insanity of prisoners.

(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) above 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 Director, who shall forward the report to the Commissioner, 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) above 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) above, 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) above, the following provisions shall apply—

(a) the Commissioner 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) above 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 Commissioner 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.—(1) In case of the serious illness of a prisoner confined in a prison in which there is not suitable accommodation for him, the Director (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.

Removal of sick prisoners to hospital.

(2) So long as a prisoner removed to a hospital under subsection (1) above 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) above, 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) above, 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.—(1) Where it appears to the Director 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

Discharge of prisoners.

which he has his usual place of abode or the area in which the court which passed sentence on him has jurisdiction, the Director 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 discharged unless the medical officer certifies that in his opinion the discharge can be effected without danger to the health of the prisoner.

Use of  
weapons.

10.—(1) Subject to subsections (4) and (6) below, 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) below, 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) below, 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) above, 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) above 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 a 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.

Prison  
visitors.

11.—(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 Judges of any Court of Appeal established by a State,

(ii) the Chief Justice and other Judges of the High Court of each State,

(iii) the Grand Kadi, the Deputy Grand Kadi and other Judges of the Sharia Court of Appeal exercising jurisdiction in a State,

(iv) magistrates, district judges, alkali and presidents of area courts, and

(v) justices of the peace.

(2) The Commissioner, 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 Director 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) above may, but need not, be notified in the Gazette 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.—(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 Federal Commissioner for Health with the concurrence, in the case of medical officers in the public service of a State, of the State Authority.

Prison  
medical  
officers,  
etc.

(2) The Federal Commissioner for 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 public service of a State to attend to matters pertaining to general sanitation in a prison and otherwise to assist the medical officer thereof.

13.—(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 Decree.

Prison  
Officers  
Reward  
Fund.

(2) The Prison Officers Reward Fund shall be administered by the Director in accordance with regulations made under this Decree 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 revenues of the Federation, and

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

14.—(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 Decree, 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

Offences.

(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 £200 or to imprisonment for a period not exceeding 12 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) above 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.

Regulations.

15. The Head of the Federal Military Government may make regulations—

(a) with respect to the organisation and administration of the prisons ; and

(b) on the recommendation of the Public Service Commission of the Federation, with respect to appointments to offices in the Nigerian Prisons Service.

Standing orders.

16. The Head of the Federal Military Government 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 Public Service Commission of the Federation, 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.

Delegation of functions.

17.—(1) Subject to this section, the Commissioner may delegate any of his functions under this Decree—

(a) to a public officer serving in a ministry or department for which the Commissioner 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 public service of the State.

(2) Subsection (1) above does 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) above may be made subject to such conditions and limitations, if any, as the Commissioner thinks fit.

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

18.—(1) The enactments mentioned in Schedule 1 are hereby repealed to the extent therein specified. Repeal, etc.

(2) The saving and transitional provisions in Schedule 2 shall have effect notwithstanding any other provision of this Decree.

19.—(1) In this Decree, unless the context otherwise requires—

“Commissioner” means the Federal Commissioner for Internal Affairs;

“Director” means the Director of the Nigerian Prisons Service;

“function” includes power and duty;

“medical officer”, in relation to a prison, means a person directed under section 12 to perform the functions of medical officer in respect of that prison;

“prison” means a prison declared under this Decree;

“prison officer” means an officer of whatever rank appointed pursuant to section 1;

“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 Military Governor or Administrator 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 Decree to a numbered section or schedule is a reference to the section or schedule so numbered in this Decree.

20. This Decree may be cited as the Prisons Decree 1972 and shall apply throughout the Federation.

Interpretation.

Citation and extent.

## SCHEDULES

## SCHEDULE 1

Section 18

## REPEALS

	<i>Enactment</i>	<i>Extent of repeal</i>
Cap. 42.	Criminal Code	sections 140, 141 and 142
W.N. Cap. 68.	Local Government Law (of the former Western Nigeria)	Part XII.
N.N. Cap. 77.	Native Authority Law (of the former Northern Nigeria)	Part IX.
No. 41 of 1960.	Prisons Act 1960	the whole.
1966 No. 9.	Prisons (Control) Decree 1966	the whole.

## SCHEDULE 2

Section 18

## SAVING AND TRANSITIONAL PROVISIONS

1. The Director of Prisons and the officers subordinate to him holding offices in the public service of the Federation immediately before the commencement of this Decree shall be deemed to have been transferred on the commencement of this Decree to corresponding offices under section 1.

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

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

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

5. The Commissioner 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 Military Government.

6. Until vesting day local prisons shall be treated as if the Prisons (Control) Decree 1966 were still in force, with references to the Director and this Decree substituted for references to the Federal Director of Prisons and the Prisons Act 1960.

7. On vesting day—

(a) every local prison shall be deemed, with effect from that day, to have been declared a prison under this Decree, 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 Military Government.

No. 41. of 1960.

1966 No. 9.

8. The Commissioner may by order in the Federal Gazette—

(a) with the concurrence of the Federal Commissioner for Finance, provide for the payment of compensation for rights devolving under paragraph 7 (b) above, and

(b) make such other provision as he may think necessary to facilitate the operation of the said paragraph 7.

9. In this Schedule "local prison" means a prison the operational control of which was immediately before the commencement of this Decree vested in the Federal Director of Prisons by the Prisons (Control) Decree 1966.

MADE at Lagos this 10th day of April 1972.

GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree, but is  
intended to explain its purpose)*

The Decree revises and replaces the Prisons Act 1960 in order to implement certain of the proposals contained in the 1971 White Paper entitled "A Statement of Federal Government Policy on the Reorganisation of the Prison Service and the Integration of the Federal, Local Government and Native Administration Prisons".

**CUSTOMS AND EXCISE MANAGEMENT (AMENDMENT)  
DECREE 1972**



**Decree No. 10**

[10th April 1972]

**Commence-  
ment.**

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In section 2 of the Customs and Excise Management Act 1958 (hereinafter in this Decree referred to as "the principal Act"), in the definition of the expression "goods", after the word "includes" there shall be inserted the word "money".

**Amendment  
of section 2.**

2. In section 4 of the principal Act (which relates to the powers and duties of the Board), after subsection (2) there shall be inserted the following new subsection :—

**Amendment  
of section 4.**

"(3) Notwithstanding the provisions of subsection (2), the Board may at any time and at its discretion reverse or otherwise modify any decision of any proper officer affecting any imported, exported or excise goods, whether or not the discretion to make the decision was conferred on the officer by the customs and excise laws or whether or not the officer was authorised by the Board to make the decision ; and the reversal or modification of the decision by the Board shall have effect as if it were the original decision made in respect of the matter concerned."

3. Immediately after section 12 of the principal Act there shall be inserted the following new section :—

**Insertion of  
new section  
12A.**

12A. The Nigerian Ports Authority shall in every area designated a customs port under section 12 provide office accommodation required by officers of the Board for the proper discharge of their functions in the customs port."

4. Immediately after section 14 of the principal Act there shall be inserted the following new section :—

**Insertion of  
new section  
14A.**

14A. The authority charged with the management and control of any airport designated a customs airport under section 14 shall within the airport provide office accommodation required by officers of the Board for the proper discharge of their functions in the customs airport."

Amendment  
of section 19.

5. In section 19 of the principal Act (which relates to the powers of boarding and examination of a ship or aircraft) immediately after subsection (4) there shall be inserted the following new subsection:—

“(4A) Where an officer in exercise of the power conferred by paragraph (a) of subsection (4) who has boarded a ship remains there for more than twelve hours, it shall be the duty of the master of the ship to provide that officer with free boarding and lodging.”

Amendment  
of section 23.

6. In section 23 of the principal Act (which makes provisions in respect of goods in transit) immediately after subsection (2) there shall be inserted the following new subsections:—

“(3) Goods imported in transit or for transshipment shall not be entered for use in Nigeria unless written authorisation from both the consignor and the consignee that the goods may be so treated are produced to the proper officer.

“(4) Goods imported into Nigeria for home use shall not be entered in transit or for transshipment.”

Amendment  
of section 24.

7. In section 24 of the principal Act (which provides for report to be made of goods imported or exported), and—

(a) in subsection (1), immediately after the word “aircraft” there shall be inserted the words “or vehicle”;

(b) in subsection (2), for the words “arriving at any place in Nigeria by sea or” there shall be substituted the words “or vehicle arriving at any place in Nigeria by sea, land or”;

(c) for subsection (8) there shall be substituted the following new subsections:—

“(8) The person administering the area within which the discharge of the ship, aircraft or vehicle took place or, where there is no such person, the owner of the ship, aircraft or vehicle shall deliver to the proper officer within two days of the date of completing discharge, a tally slip, giving full and accurate account of all the goods carried or unloaded from the ship, aircraft or vehicle.

“(9) The Board may at its discretion by notice in writing require additional information in respect of such goods in the ship, aircraft or vehicle as it may deem necessary. If any person fails to comply with the provisions of subsection (8) above or fails to give the additional information required by the Board he shall be liable to a fine of two hundred pounds.”

Amendment  
of section 29.

8. In section 29 of the principal Act (which makes provisions in respect of goods uncleared and missing goods)—

(a) for subsection (1) there shall be substituted the following new subsection—

“(1) On the fifteenth day after the completion of discharge of the importing ship, aircraft or vehicle or at such times as the Board may direct, the proper officer shall, in respect of every ship, aircraft or vehicle, deliver to the person administering the area within which the discharge took place or, where there is no such person, to the owner of the ship, aircraft or vehicle, or his agent, a list of goods unloaded from such ship, aircraft or vehicle and not yet released by the proper officer. On the receipt of such a list the person administering the area, or where there

is no such person, the owner of the ship, aircraft or vehicle, or his agent, shall immediately transfer all such goods to the Government warehouse or to such other place as the proper officer may approve. If any person fails to comply with the provisions of this subsection he shall be liable to a fine of two hundred pounds.”;

(b) in subsection (2) (b) for the words “this subsection” there shall be substituted the words “subsection (1) or this subsection”;

(c) in subsection (3) (b) (i) the words “or a State” shall be omitted;

(d) in subsection (5) (b) for the words “one month” there shall be substituted the words “fourteen days”.

9. In section 67 (which makes provision in respect of persons disembarking from or going on board ship or aircraft) and in subsection (1) thereof, immediately after the word “therefrom” there shall be inserted the words “and as to the procedure to be followed by any person entering or leaving any customs port, customs airport or any other customs area within its control.”

Amendment  
of section 67.

10. In section 71 (which provides for the determination of the time of importation and exportation) and in subsection (3) thereof, for the existing paragraphs (a) and (b) there shall be substituted the following new paragraphs:—

Amendment  
of section 71.

“(a) where the goods are to be exported by sea or air, the time when the goods are brought to the customs area;

(b) where the goods are to be exported by land, the time when the goods are brought to a customs station”.

11. Immediately after section 72 of the principal Act there shall be inserted the following new section:—

Insertion of  
new section  
72A.

“Provision  
of office  
accommo-  
dation  
at post  
office.

72A. Where pursuant to the provisions of section 72 officers of the Board are stationed at any post office for the examination of postal articles for the purposes of the customs laws, the Department of Posts and Telecommunications shall provide suitable accommodation for such officers for the proper discharge of their functions in that post office.”

12. In section 134 (which confers power to pay rewards) for the words from “twenty pounds” to the end of the section there shall be substituted the words “seventy-five pounds”.

Amendment  
of section  
134.

13. Immediately after section 157 there shall be inserted the following new section:—

Insertion of  
new section  
157A.

“Proceed-  
ings under  
customs  
and excise  
laws to  
have  
priority  
over other  
proceed-  
ings.

157A. Civil or criminal proceedings in a court by the Board under the customs and excise laws (including appeals arising therefrom) shall, notwithstanding anything to the contrary in any other law, take precedence over all other matters or proceedings instituted or pending before that court.”

Miscellaneous  
amendments.

14.—(1) In the following sections of the principal Act, that is to say, sections 16 (2), 19, 23, 30, 31, 34, 41, 43, 48, 49, 50, 53, 53A, 57, 64, 65, 66, 70, 72, 78, 79, 85, 101, 102, 103, 105, 106, 107B, 107C, 110, 113A, 116, 118, 119A, 125, 129, 142, 144, 149, 152, 153 and 154, for the words “shall be liable to forfeiture” wherever they occur in those sections, there shall be substituted the words “shall be forfeited”.

(2) In section 150 of the principal Act for the words “liable to forfeiture” and “liable” there shall be substituted the word “forfeited”.

(3) In the Fourth Schedule to the principal Act, in paragraphs 1, 3 and 15, for the words “as liable to forfeiture” there shall be substituted the word “forfeited”.

Citation  
and extent.

15. This Decree may be cited as the Customs and Excise Management (Amendment) Decree 1972 and shall apply throughout the Federation.

MADE at Lagos this 10th day of April 1972.

GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

#### EXPLANATORY NOTE

*(This note does not form part of the above Decree but is intended to explain its effect)*

The Decree makes sundry amendments in the Customs and Excise Management Act 1958 to empower the Board in proper cases to reverse any decision of any of its officers and generally to enable the Board and its officers to carry out their functions under the Act more expeditiously.