



# **IMMIGRATION AND PRISONS SERVICES BOARD ACT**

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## IMMIGRATION AND PRISONS SERVICES BOARD ACT

An Act to establish a Board known as the Immigration and Prisons Services Board to administer the immigration and prisons laws.

[11th July, 1986]                      [Commencement.]

### Establishment of Immigration and Prisons Services Board, etc.

#### 1. Establishment of Immigration and Prisons Services Board

(1) There is hereby established, under the control of the Ministry, a joint board to be known as the Immigration and Prisons Services Board (in this Act referred to as "the Board") which shall be responsible for the administration of the Immigration Act and the Prisons Act.

#### 2. Membership of the Board

(1) The Board shall comprise-

(a) the Minister who shall be the chairman;

- (b) one person to represent the Ministry charged with responsibility for matters relating to internal affairs; (c) the Director of Immigration;
  - (d) the Director of the Nigerian Prisons Service;
  - (e) the legal adviser to the Ministry charged with responsibility for matters relating to internal affairs;
  - (f) two other persons, who shall be full-time members, to be appointed by the President.
- (2) A member of the Board other than an ex-officio member shall hold office for a period of four years and shall be eligible for re-appointment for one further period of four years.
- (3) Notwithstanding the provisions of subsection (2) of this section, a member of the Board other than an ex officio member-
- (a) may at any time resign his appointment by giving notice in writing of his resignation addressed to the Minister; (b) shall vacate his office if the Minister is satisfied that-
- (i) the member has absented himself from two consecutive meetings of the Board without permission of the chairman; or
  - (ii) the member by reason of mental or physical infirmity or any other cause is incapable of discharging the duties of his office.
- (4) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters therein mentioned.

[Schedule.]

## Functions and powers of the Board

### 3. Functions

The Board shall be responsible for-

- (a) formulating the general policy guidelines for the Immigration and Prisons Services (in this Act referred to as the "affected Services");
- (b) administering the Immigration Act and the 'Prisons Act, and accordingly, shall, subject, to the general control of the Minister, control and manage the administration of the immigration and prisons laws.

### 4. Powers of the Board

(1) The powers-

- (a) vested in the Minister in sections 5 and 6 of the Immigration Act;
- (b) vested in the President and the Federal Civil Service Commission in sections 15 and 16 of the Prisons Act; and
- (c) being exercised by the Federal Civil Service Commission under paragraph 11 of Part 1 of the Third Schedule to the Constitution of the Federal Republic of Nigeria 1999 to appoint and exercise disciplinary control over staff of the Department of Immigration, are hereby vested in the Board.

(2) The Board shall have power-

- (a) to appoint persons to hold or act in all the offices in the affected Services, including power to make appointments on promotion or transfer and to confirm appointments; and

- (b) to dismiss and exercise other disciplinary control over persons appointed pursuant to paragraph (a) of this subsection.
- (3) The power conferred on the Board under subsection (2) of this section, shall, notwithstanding anything to the contrary in any other enactment, include the power to appoint and exercise disciplinary control over-
  - (a) the Director of Immigration; and
  - (b) the Director of the Nigerian Prisons Service.
- (4) If the Board thinks it expedient that any vacancy in the staff of the affected Services should be filled by a person holding office in civil service of the Federation or of a State, it shall notify the appropriate Civil Service Commission to that effect and thereafter the Board may by arrangement with the Civil Service Commission concerned, cause such vacancy to be filled by way of secondment or transfer.
- (5) Where any member of a civil service is seconded under subsection (4) of this section, he shall be notified of the terms and conditions of the secondment; and the secondment shall be without prejudice to any pension rights which but for the secondment would still accrue to him.
- (6) A person seconded pursuant to subsection (4) of this section may elect, subject to the approval of the Board, to be transferred to the affected Services.
- (7) Any member of staff of the affected Services may elect to be transferred or seconded to any other public service of the Federation and such right of transfer or secondment shall not operate to the disadvantage of the officer concerned.

## Power to appoint administrative secretary and other staff of the Board

### 5. There shall be appointed by the Board-

- (a) an administrative secretary who shall be responsible for day-to-day administrative work of the Board, and perform such other functions as the Board may from time to time assign to him; and
- (b) such other members of staff as may appear necessary to the Board for the efficient conduct of its functions under this Act.

### 6. Power of delegation

(1) The Board may, subject to such conditions as it may think fit, delegate any of its powers under this Act- (a) to any of the affected Services;

(b) to any officer in the service of the affected Services; or

(c) to a committee consisting of such number of persons, one of whom shall be named as chairman, as may be prescribed by the Board.

(2) Notwithstanding subsection (1) of this section or any other provision in this Act, the Board shall not delegate any of its powers aforesaid in respect of any office on Grade Level 08 and above. Miscellaneous

### 7. Pensions

(1) It is hereby declared that service in the affected Services shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the affected Services shall in the affected Services be entitled to pensions, gratuities and other retirement

benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect. of that office.

- (2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations

under section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

## 8. Staff regulations

- (1) Subject to the provisions of this Act, the Board may, with the approval of the Minister, make regulations relating generally to the conditions of service, including the power to fix salaries and allowances of the staff of the affected Services, and, without prejudice to the generality of the foregoing, such regulations may provide for-
- (a) the composition of the membership of any committee appointed pursuant to section 5 of this Act;
  - (b) the appointment, promotion and disciplinary control, including dismissal, of staff of the affected Services;
  - (c) appeals by such staff of the affected Services against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of the civil service of the Federation shall, with such modifications as may be necessary, be applicable to the staff of the affected Services.

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

#### 9. Transitional provisions

Any person who, immediately before the coming into force of this Act is the holder of any office in the affected Services, shall on the commencement of this Act continue in office and be deemed to have been appointed to his office by the Board under this Act.

#### 10. Interpretation

In this Act unless the context otherwise requires-

"Affected Services" means the Immigration and Prisons Services Board established under section 1 of this Act;

"Minister" means the Minister charged with responsibility for matters relating to internal affairs; and "Ministry" shall be construed accordingly.

#### 11. Short title

This Act may be cited as the Immigration and Prisons Services Board Act.

#### SCHEDULE

[Section 2 (4).]

#### Proceedings of the Board

1. Subject to the provisions of this Act and of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of the members



of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. I23.]

2. The quorum of the Board shall be three and the quorum of any committee of the Board shall be determined by the Board.
3. At any meeting of the Board, the chairman shall preside, and in his absence, the members present shall elect one of their members to preside at the meeting.
4. The validity of any proceedings of the Board or a committee thereof shall not be affected by any vacancy in the membership of the Board or committee or by any defect in the appointment of a member of the Board or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.

IMMIGRATION AND PRISONS SERVICES BOARD ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation