**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 Boardto administer the immigration and prisons laws.**

[1986 No.4. 1992 No. *45.*Cap. I1. Cap. P29.)

*[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 relat- ing 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 res-
ignation 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.

[Cap. I1. Cap. P29.]

**4. Powers of the Board**

       (1) The powers-

                         *(a)*vested in the Minister in sections 5 and 6 of the Immigration Act;

[Cap. I1.]

       *(b)*vested in the President and the Federal Civil Service Commission in sec-
tions 15 and 16 of the Prisons Act; and

[Cap. P29.]

      (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 De-
partment of Immigration,

[Cap. C23.]

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, in-
cluding 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 Ser-
vices 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 see-
ondment 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 sec-
onded to any other public service of the Federation and such right of transfer or second-
ment shall not operate to the disadvantage of the officer concerned.

1. **Power to appoint administrative secretary and other staff of the Board**
There shall be appointed by the Board-

       *(a)*an administrative secretary who shall be responsible for day-to-day adminis-
trative 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.

1. **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 ser-
vice 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 of-
fice.

[Cap. P4.]

(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.

[Cap. P4.]

1. **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 disci-

plinary 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.

1. **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 in-
ternal 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 number 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 ap-
pointment 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*