

BORSTAL INSTITUTIONS AND REMAND CENTRES REGULATIONS, 1962

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L.N. 67 of 1962

BORSTAL INSTITUTIONS AND REMAND CENTRES ORDINANCE, 1960

(No. 32 of 1960)

Borstal and Remand Centre Regulations, 1962

Commencement : 31st May, 1962

In exercise of the powers conferred by section 4 of the Borstal Institutions and Remand Centres Ordinance, 1960, the Governor-General, acting in accordance with the advice of the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Borstal and Remand Centre Regulations, 1962 and shall be of Federal application.

Citation and application.

2. In these regulations—

Interpretation.

“Borstal” means a Borstal Institution as defined in the Ordinance ;

“Director” has the same meaning as in the Ordinance ;

“inmates” means persons required to be detained in a Borstal ;

“legal adviser” shall not include a clerk or servant to a legal adviser ;

“officer” means an officer or servant of a Borstal or Remand Centre ;

“Ordinance” means the Borstal Institutions and Remand Centres Ordinance, 1960 ;

“Minister” has the same meaning as in the Ordinance ;

“Remand Centre” has the same meaning as in the Ordinance ;

“Superintendent” means the Superintendent of a Borstal or a Remand Centre.

3. Regulations made under the Prisons Ordinance, 1960, shall apply in relation to Remand Centres or Borstal Institutions as they apply in relation to prisons subject to such adaptations and modifications as may be prescribed.

Application of regulations under the Prisons Ordinance, No. 41 of 1960.

PART I.—BORSTAL INSTITUTIONS

(i) TRAINING

4. (1) The objects of Borstal Training shall be to bring to bear every good influence which may establish in the inmates the will to lead a good and useful life on release, and to fit them to do so by the fullest possible development of their character, capacities and sense of personal responsibility.

Purpose and method.

(2) Methods of training may vary as between one Borstal and another, according to the needs of the different types of inmates allocated to them.

5. A person sentenced to Borstal Training shall be removed at the earliest possible date to a Borstal.

Removal to a Borstal.

6. (1) To enable members of a Borstal staff to exercise their personal influence on the character and development of individual inmates and to understand the needs of each for the purpose of training, inmates of Borstals may be grouped in houses.

Houses.

(2) An officer shall be responsible to the Superintendent, with the assistance of such other staff as may be appointed for the administration of each house and for the personal training of the inmates in his house.

Grading.

7. (1) To encourage the progressive development of responsibility and to assist in the assessment for fitness for release, inmates may be placed in such grades as the Director approves.

(2) Promotion from grade to grade or reduction in grade, otherwise than as an award for an offence against discipline shall be decided by the Superintendent with the advice of such officers as the Director shall determine.

(3) Inmates who have been promoted to an appropriate grade may be given positions of special responsibility and leadership.

Privileges.

8. (1) There shall be established at every Borstal such system of privileges as the Director may approve in the interests of good conduct and training.

(2) Such system shall include arrangements under which sums paid to inmates under these regulations may be spent on such articles and subject to such conditions as the Director shall determine.

(ii) RECEPTION AND REMOVAL

Admission to a Borstal and transfer to other Borstals.

9. (1) No person may be admitted into a Borstal unless accompanied by a warrant committing him to a sentence of Borstal Training; and the Superintendent shall verify that the inmate is the person named in the warrant, that the offence and the date of sentence are recorded therein and that the warrant bears the signature of the proper authority.

(2) A warrant of committal to Borstal Training shall be addressed by the court of committal to the Superintendent of the Borstal which is situated nearest to the Court, and thereafter the inmate may be removed on the instructions of the Director to any Borstal for the purposes of training, discipline, health, the relief of overcrowding or any other proper reason.

Search.

10. (1) Every inmate shall be searched when taken into custody by an officer, on reception at a Borstal, and at such subsequent times as may be directed, and all unauthorised articles shall be taken from him.

(2) The searching of an inmate shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3) No inmate shall be stripped and searched in the sight of another inmate.

(4) An inmate shall be searched only by officers of the same sex as the inmate.

Retention of property.

11. All money, clothing or other effects belonging to an inmate, which he is not allowed to retain shall be placed in the custody of the Superintendent, who shall keep an inventory thereof, which shall be signed by the inmate.

Recording of particulars.

12. A personal record of each inmate shall be prepared and maintained in such manner as the Director may determine.

Interview by Superintendent.

13. Every inmate shall as soon as possible after admission be separately interviewed by the Superintendent.

Medical examination.

14. Every inmate shall as soon as possible after admission into a Borstal be examined by a medical officer, who shall record the state of health of the inmate and such other particulars as may be directed, and any observation which he may deem fit to make.

Information to inmates.

15. The Superintendent shall personally explain to every inmate the proper methods of making complaints and submitting petitions to the Director, the disciplinary requirements of the Borstal and the rules relating to privileges, in order that the inmate may understand both his rights and obligations.

16. (1) An inmate, in respect of whom an order for removal to any place outside the Borstal, is produced, shall while outside the Borstal, be kept in custody of either Borstal or prison officers :

Custody during removal outside a Borstal.

Provided that an inmate directed to be brought before a court of summary jurisdiction may while outside the Borstal be in the custody of police officers :

Provided also that an inmate removed to a hospital under paragraph 2 of this Regulation may, at the discretion of the Superintendent, be in the custody of the medical officer of the hospital during the time that such inmate is detained therein.

(2) An inmate who is seriously ill and for whom there is no suitable accommodation in the Borstal may be removed upon the certificate of a medical officer to a Government or other approved hospital and remain therein until a medical officer certifies that he is fit to be returned to the Borstal and the Superintendent shall cause the return of the inmate to the Borstal provided that he is still liable to be detained therein.

17. An inmate shall immediately prior to removal to another Borstal be examined by a medical officer and shall not be so removed unless the medical officer certifies in writing that he is fit for removal.

Medical examination prior to removal to another Borstal.

18. (1) An inmate may be allowed by the Director on conditions and for reasons approved by him, to be temporarily absent from the Borstal on parole, for a stated length of time.

Release on parole.

(2) If the Director is satisfied that an inmate absent on parole has broken any of the said conditions, he shall, notwithstanding that the said length of time has not elapsed, be liable to be recalled to the Borstal.

(iii) DISCIPLINE AND CONTROL

19. The purpose of Borstal training requires that every inmate, while conforming to the rules necessary for well ordered community life, shall be able to develop his individuality on right lines with a proper sense of personal responsibility. Officers shall therefore, while firmly maintaining discipline and order seek to do so by influencing the inmates through their own example and leadership and by enlisting their willing co-operation.

General principles.

20. (1) If the Superintendent is satisfied that the behaviour of an inmate is such that, in the interests of his own training or of the good conduct of his house, he should be temporarily removed from normal community life, he may order the removal of the inmate from his house.

Removal from house.

(2) Inmates removed from their houses shall be accommodated in a separate part of the Borstal under such restrictions of association and privileges as the Director shall determine.

(3) Where the period of removal ordered exceeds one month a report of the case together with the evidence recorded shall be sent to the Director, and during such period every effort shall be made to ascertain the causes of the inmates' behaviour and to correct it.

21. (1) The Superintendent shall exercise a close and constant personal supervision of the whole Borstal. He shall visit and inspect daily all parts of the Borstal where inmates are working or accommodated, and shall give special attention to every inmate who is a hospital patient.

Supervision by Superintendent.

(2) At least twice a fortnight the Superintendent shall during the night visit the Borstal and satisfy himself as to its state.

Use of force.

22. (1) No officer in dealing with inmates shall use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.

(2) No officer shall deliberately act in a manner calculated to provoke an inmate.

Superintendent to deal with reports.

23. No report against an inmate shall be dealt with by any officer except the Superintendent.

Information to reported inmate.

24. An inmate shall, before a report against him is dealt with, be informed of the offence for which he has been reported and shall be given a proper opportunity of hearing the facts alleged against him and of presenting his case.

Un-
authorised
articles.
Offences.

25. The Superintendent may deprive an inmate of any unauthorised article found in his accommodation or in his possession.

26. An inmate shall be guilty of an offence if he—

(1) disobeys any order of the Superintendent or other officer ;

(2) treats with disrespect any officer or any person authorised to visit the Borstal ;

(3) is idle, careless, or negligent at work or refuses to work ;

(4) uses any abusive, insolent, threatening or other improper language ;

(5) is indecent in language, act or gesture ;

(6) commits any assault ;

(7) absents himself without permission from any place where he is required to be ;

(8) has in his room or possession any unauthorised articles or attempts to obtain such an article ;

(9) gives to or receives from any person any unauthorised article ;

(10) takes improperly or is in unauthorised possession of any article which is the property of the Borstal or of any other person ;

(11) wilfully disfigures or damages any part of the Borstal or any property which is not his own ;

(12) commits any nuisance ;

(13) escapes from the Borstal or from legal custody ;

(14) mutinies or incites other inmates to mutiny ;

(15) commits gross personal violence against any officer or inmate ;

(16) makes false and malicious allegations against an officer ;

(17) makes repeated and groundless complaints ;

(18) in any other way offends against good order and discipline ;

(19) attempts to do any of the foregoing things ;

(20) fails to return to the Borstal after an absence from the Borstal on parole for a stated length of time ; and

(21) breaks any condition attached to a release on parole in accordance with regulation 18.

27. (1) Every offence against discipline shall be reported forthwith and the Superintendent shall investigate every such report not later than the following day unless that day is a Sunday or Public holiday.

Investigation of offences and awards by the Superintendent.

(2) If upon investigation the Superintendent considers that the offence is proved he shall, subject to the provisions of Regulation 29, make one or more of the following awards—

- (a) caution ;
- (b) removal of an inmate from his house for a period not exceeding one calendar month ;
- (c) deprivation of privileges for a period not exceeding one calendar month ;
- (d) stoppage of earnings for a period not exceeding one calendar month ;
- (e) reduction in grade, or delay in promotion to a higher grade, for a period not exceeding three calendar months ;
- (f) confinement to a single cell for a period not exceeding six days ; and
- (g) restricted diet as stipulated in Part II of the First Schedule hereto for a period not exceeding three days.

First Schedule.

28. (1) Where an inmate is reported for an offence upon which the Superintendent, having regard to the circumstances of the case, thinks it expedient that an ex-officio visitor or a visiting committee should adjudicate, the Superintendent may report the offence to an ex-officio visitor or a visiting committee and thereupon the ex-officio visitor or two members of the visiting committee shall inquire into the report (such inquiry if considered desirable being on oath) and shall determine thereupon and make one or more of the following awards—

Investigation and awards by ex-officio visitor or visiting committee.

- (a) caution ;
- (b) removal of an inmate from his house for a period not exceeding three calendar months ;
- (c) deprivation of privileges for a period not exceeding three calendar months ;
- (d) stoppage of earnings for a period not exceeding three calendar months ;
- (e) reduction in grade or delay in promotion to a higher grade for a period not exceeding six calendar months ;
- (f) confinement in a single cell for a period not exceeding 21 days ;
- (g) restricted diet as stipulated in Part II of the First Schedule hereto for a period not exceeding 21 days ; and
- (h) whipping with a cane : provided that the punishment shall be ordered in respect of offences as specified in paragraphs 14 and 15 of Regulation 26 only and that the number of strokes awarded shall not exceed six.

First Schedule.

(2) The Superintendent may, notwithstanding the provisions of regulation 27 and of paragraph (1) of this Regulation, report any offence committed by an inmate to the Director, and the Director, the Deputy Director or an Assistant Director shall inquire into such report and deal with it in the same manner as an ex-officio visitor or the visiting committee.

29. In no case shall an award of whipping or of reduced diet be imposed unless the medical officer has certified that the inmate is in a fit condition of health to sustain it.

Medical certificate.

Award of
whipping.

30. (1) At the infliction of every award of whipping the officer-in-charge and the medical officer shall be present and the medical officer shall give such directions for preventing injury to health as he may deem necessary, and the officer-in-charge shall carry such directions into effect.

(2) At any time after the infliction of corporal punishment has commenced, the medical officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted, and the officer-in-charge shall thereupon remit the remainder of the punishment.

Mitigation
of awards.

31. (1) A disciplinary award may be remitted or mitigated by the Minister.

(2) A disciplinary award may be determined or mitigated at any time during the currency thereof by the authority responsible for making the award by recommendation to the Director.

Use of
mechanical
restraints.

32. (1) Mechanical restraints shall not be used as a punishment or for any other purpose other than safe custody during the removal of an inmate, except on medical grounds by direction of the medical officer, or in the circumstances and under the conditions stated in the following paragraphs of this regulation.

(2) When it appears to the Superintendent that it is necessary to place an inmate under mechanical restraint in order to prevent his injuring others or himself, or damaging property or creating a disturbance, the Superintendent may order him to be placed under mechanical restraint and notice thereof shall be given to the medical officer.

(3) No inmate shall be kept under mechanical restraint longer than is necessary, or for a longer period than twenty-four hours unless an order in writing from the Director is given, specifying the cause thereof and the time during which the inmate is to be so kept, which order shall be preserved by the Superintendent as his warrant.

(4) Particulars of every case of mechanical restraint shall be forthwith recorded by the Superintendent in his journal.

Temporary
confinement.

33. The Superintendent may order a refractory or violent inmate to be temporarily confined in a special room but no inmate shall be confined in such a room as a punishment or after he has ceased to be refractory or violent.

Complaints
by inmates.

34. (1) Arrangements shall be made that every request by an inmate to see the Superintendent, Director or a member of the visiting committee or an ex-officio visitor shall be recorded by the officer to whom it is made and conveyed without delay to the Superintendent.

(2) The Superintendent shall at a convenient hour on every day, other than Sundays and public holidays, hear the applications of all inmates who have made a request to see him, and enter their request or complaint and his decision concerning the request or complaint in a record kept for that purpose.

(3) The Superintendent shall record any request of an inmate for an interview with the Director or a member of the visiting committee or an ex-officio visitor and shall inform the Director or the member of the visiting committee or the ex-officio visitor who next visits the Borstal of every such request of an inmate.

Prohibited
articles
generally.

35. No person shall without authority convey into or throw into or deposit in a Borstal, or convey or throw out of a Borstal, or convey to an inmate, or deposit in any place with the intent that it shall come into the possession of an inmate, any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever. Anything so conveyed, thrown, or deposited may be confiscated by the Superintendent.

36. (1) No inmate shall be given or allowed to have any intoxicating liquor except in pursuance of a written order of the medical officer specifying the quantity to be given and the name of the inmate for whose use is intended.

Drink and tobacco.

(2) No inmate shall be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Superintendent with the approval of the Director.

37. (1) All persons and vehicles entering or leaving the Borstal may be examined and searched.

General restrictions.

(2) A person suspected of bringing any prohibited article into the Borstal or of carrying out a prohibited article or any property belonging to the Borstal or, while in a Borstal of being in possession of a prohibited article, or in improper possession of any property belonging to the Borstal, shall be stopped and immediate notice thereof shall be given to the Superintendent, who may order that he shall be examined and searched.

(3) The Superintendent may refuse admission to the Borstal of a person who is not willing to be examined and searched.

(4) The Superintendent may direct the removal from the Borstal of a person who while in the Borstal is not willing to be examined and searched, or whose conduct is improper.

38. (1) The Superintendent shall not, except as provided by law or as directed by the Minister or the Director, allow any person to view a Borstal.

Visitors viewing Borstals.

(2) The Superintendent shall ensure that no person authorised to view the Borstal makes a sketch or takes a photograph or holds communication with an inmate, unless authorised to do so by the Minister or the Director.

(iv) WORK

39. (1) The work shall so far as practicable be such as will help to fit an inmate to earn his livelihood on release.

General requirements.

(2) Provision shall so far as practicable be made for the technical training of suitable inmates in skilled trades.

(3) The medical officer may excuse an inmate from work on medical grounds and no inmate shall be employed on any work unless he has been certified fit for that type of work by the medical officer.

40. (1) With a view to facilitating the reformatory treatment of inmates and to encourage good conduct and industry, there shall be established a Progressive Stage and Earnings Scheme (hereinafter called "the scheme") into which every inmate shall on admission into the Borstal be admitted.

Progressive Stage and Earnings Scheme.

(2) The Director may make provisions for promotions, postponement or deprivation of privileges and the rates of monthly payments under the scheme.

41. (1) No inmate shall be set to any type of work not authorised by the Director.

Unauthorised work.

(2) Except with the authority of the Director, no inmate shall work in the service of another inmate or an officer, or for the private benefit of any person.

(v) RELIGION, EDUCATION AND WELFARE

Recording of denomination.

42. The religion or faith of every inmate shall be ascertained and recorded on his reception and he shall be treated as a member of the religion or faith then recorded unless and until he satisfies the Superintendent that he has good grounds for desiring the record to be altered.

Religious services.

43. Religious services for the christians and for the muslims shall be conducted at regular intervals where practicable, and inmates shall be permitted to attend any such services of their declared religions.

Visits by ministers of religion.

44. The Superintendent shall arrange for ministers of religion of various denominations of the christian religion to visit at proper and reasonable times, inmates who are declared members of their respective denominations.

Religious books.

45. There shall so far as practicable be available for the personal use of every inmate such of the Scriptures and books of religious observance and instruction recognised by his religion as are accepted by the Director for use in Borstals.

Sunday work, etc.

46. Arrangements shall be made for the avoidance of all unnecessary work by inmates of the Christian religion on Sundays, Christmas Day and Good Friday, and by inmates recorded as belonging to other religions on their recognised days of religious observance.

Class teaching, etc.

47. (1) At every Borstal, provision shall be made for the continued education of the inmates, by class teaching, individual study, and all such cultural influences, including hobbies and handicrafts, as may make for development of valuable interests and good use of leisure.

(2) Facilities shall so far as practicable be provided to enable every inmate to take part in such educational activities for at least three hours a week outside normal working hours, and where it is desirable in the educational interests of any inmate, particularly those under eighteen years of age, or those who are backward or illiterate, provision may be made for education within the normal working week.

Library.

48. A library shall be provided in every Borstal, and, subject to such conditions as the Director may determine, every inmate shall be allowed to have library books and to exchange them as often as practicable.

Books from outside.

49. Inmates may receive books or periodicals from outside the Borstal under such conditions as the Director may determine.

Family relationship, etc.

50. (1) Special attention shall be paid to the maintenance of such relations between an inmate and his family as are desirable in the best interests of both.

(2) So far as is practicable, and in the opinion of the Superintendent desirable, an inmate shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the Borstal as may promote the best interests of his family or the social rehabilitation of the inmate.

(3) The Superintendent may at any time communicate to an inmate, or to his family or friends, any matter of importance to such inmate.

Information of removal.

51. An inmate shall be allowed to inform his family of his removal.

After-Care, etc.

52. From the beginning of the training of every inmate consideration shall be given, in consultation with the Chief Social Welfare Officer to the future of the inmate and the assistance to be given to him on and after release, and for this purpose the Chief Social Welfare Officer shall be given all necessary information and assistance.

53. Upon the death or serious illness, or certification as insane or mentally defective, of an inmate, or the sustaining by an inmate of a serious accident, the Superintendent, if the inmate is married to a person whose address is known, shall at once inform the wife or husband as the case may be, and otherwise shall at once inform the nearest relative whose address is known, and shall in any event inform any other person whom the inmate has requested may be so informed.

Information to family of death, etc.

54. (1) Every inmate shall be allowed to write and receive a letter on admission and thereafter in accordance with rules made under the scheme.

Normal minimum provision as to communication.

(2) The letters and visits to which an inmate is entitled under this regulation shall not be liable to forfeiture under regulations 27 and 28.

(3) The Director may allow such additional letters or visits as he may determine, as a privilege for any class of inmates.

55. Every letter to or from an inmate shall be read by the Superintendent or by a responsible officer deputed by him for the purpose and it shall be within the discretion of the Superintendent to stop any letter on the grounds that its contents are objectionable or that it is of inordinate length.

Censorship of letters.

56. The Superintendent may allow an inmate who is entitled to a visit to write a letter and receive a reply instead of such visit.

Letter instead of a visit.

57. An inmate may be allowed, at the discretion of the Superintendent to have special letters and visits for any purpose which in the opinion of the Superintendent is likely to promote the best interests of the inmate or his family either during his training or after his release.

Discretionary letters and visits.

58. (1) An officer of police may visit within the sight and hearing of a Borstal officer any inmate who is willing to see him on production of an order issued by or on behalf of the appropriate superior police officer.

Visits by police.

(2) Any written statement to such officer of police made and signed by an inmate at such a visit shall be produced to the Superintendent for his information only.

59. (1) Reasonable facilities shall be allowed for the legal adviser of an inmate who is a party to legal proceedings, civil or criminal, to interview the inmate with reference to those proceedings out of the hearing of an officer.

Visits by legal adviser.

(2) The legal adviser of an inmate may, with the permission of the Superintendent, see such inmate with reference to any other legal business.

60. The visits for special purposes to which regulations 58 and 59 refer shall be additional to the visits allowed under any other of the foregoing regulations and shall not be liable to forfeiture under regulations 27 and 28.

Special purpose visits not to be forfeited.

(vi) PHYSICAL WELFARE

61. At every Borstal either a separate hospital building or a suitable part of the Borstal shall be equipped and furnished in a manner proper for the medical care and treatment of sick inmates and be suitably staffed.

Hospital.

62. The medical officer shall have the care of the mental and physical health of the inmates and shall, unless absent from the station, visit the Borstal every day, see every sick inmate, every inmate who complains of illness, and every other inmate to whom his attention is specially directed.

General duties of medical officer.

Duty to report.

63. The medical officer shall report in writing to the Superintendent any matter which appears to him to require the consideration of the Director on medical grounds, and the Superintendent shall send such report to the Director.

Report on danger to health, etc.

64. Whenever the medical officer has reason to believe that an inmate's mental or physical health is likely to be injuriously affected by continued training, or by any conditions of the training, or that the life of an inmate will be endangered by training, or that a sick inmate will not survive his sentence or is totally or permanently unfit for Borstal discipline, he shall without delay report the case in writing to the Superintendent with such recommendations as he thinks fit, and the Superintendent shall forward such report and recommendations to the Director forthwith and the Director in turn shall forward such report with the recommendations to the Minister.

Recommendations on diet, etc.

65. The medical officer shall report in writing to the Superintendent the case of any inmate to which he thinks it is necessary on medical grounds to draw attention, and shall make such recommendations as he deems needful for the alteration of diet, or treatment of the inmate, or for the supply to him of additional clothing, bedding or other articles, and the Superintendent shall so far as practicable carry such recommendations into effect.

Case-book.

66. The medical officer shall enter in a case-book to be kept in the Borstal on account of the disease, condition and treatment of every sick inmate.

Infectious diseases.

67. The medical officer shall give directions in writing for separating inmates suffering from infectious diseases, for cleansing and disinfecting any accommodation occupied by such inmates and for cleansing, disinfecting or destroying if necessary, any infected apparel or bedding.

Supervision of hygiene.

68. The medical officer shall oversee and shall advise the Superintendent upon the hygiene of the Borstal and the inmates, including arrangements for cleanliness, sanitation, lighting and ventilation.

Death of an inmate.

69. (1) The medical officer shall immediately on the death of an inmate, notify the Superintendent who in turn shall notify the Director, the inmate's next of kin and for the purposes of inquest the Superintendent shall also notify the Coroner.

(2) The medical officer shall forthwith, on the death of any inmate enter in the case-book, the time when the illness was first observed and reported to him, when it assumed a dangerous character, and when the death occurred, and an account of the inmate's appearance after death together with any special observations that he may deem fit to make.

Hair-cutting.

70. The hair of a male inmate may be cut as short as is necessary for good appearance but the head of an inmate shall not be shaved without his consent, except by direction of the medical officer for the eradication of vermin, dirt, or disease.

Exercise to be regular.

71. (1) Inmates shall be given such physical recreation, training and exercise as are required to promote health and physical well-being.

(2) The medical officer shall decide on the fitness of every inmate for physical recreation, training and exercise, and may on medical grounds modify or excuse them for any inmate.

Nurse.

72. The nurse attached to a Borstal hospital shall be under the control and supervision of the medical officer.

73. The nurse shall not dispense any medicament or issue drug of any kind except upon the order of the medical officer. Medicament or drug.
74. The nurse shall submit to the medical officer a report containing the names of those inmates in the hospital and of those who wish to see the medical officer or who appear to him to be out of health. List of sick inmates, etc.
75. The nurse shall be responsible to the medical officer for the keeping of all books and records in use in the Borstal hospital and he shall prepare the requisition for all supplies which may be needed in the hospital. Nurse to keep records and books, etc.
76. Every inmate shall be allowed the quantity set out in the First Schedule of plain and wholesome food, well prepared and served : First Schedule.
- Provided that the Director may, in consultation with a medical officer, alter or vary any of the items of the said food by substituting suitable quantities of other commodities of similar nutritive value.
77. The medical officer shall frequently inspect the food, cooked and uncooked, provided for inmates, and shall report to the Superintendent on the state and quality of the food and on any deficiency in the quantity or defect in the quality of the water. Inspection of food.
78. Except as determined by the Director or on medical grounds, no inmate shall be allowed to have any food other than the normal borstal diet. No private food.
79. (1) Except as provided under regulations 27 and 28 for an offence against discipline or on medical grounds by direction of the medical officer, no inmate shall have less food than is provided in the normal borstal diet. Quantity of diet.
- (2) Restricted diet awarded for an offence against discipline under regulations 27 and 28 shall be as stipulated in Part II of the First Schedule.
80. Every inmate shall be provided with clothing adequate for warmth and health as stipulated in the Second Schedule. Second Schedule.
- (vii) RELEASE
81. An inmate shall become eligible for release in accordance with the Schedule to the Ordinance, when the Director is satisfied that there is a reasonable probability that the objects of training as defined in Regulation 4 have been achieved. Eligibility for release.
82. (1) There shall be established an Institution Board consisting of the Assistant Director of Prisons, as chairman, the Superintendent, and members of the visiting committee. The chairman and four members shall form a quorum for the transaction of business. Institution board.
- (2) The Institution Board shall keep under review the progress of each inmate throughout the period of his training.
- (3) The Institution Board shall meet at least once in three months and such meetings shall be held at the times convenient to the members.
83. The Institution Board shall consider any case referred to them by the Superintendent as fit for release and if they agree they shall thereupon recommend to the Director that the inmate be released under supervision. Consideration for release by the Institution Board.
84. When the Director has decided that an inmate shall be released, the arrangements for release shall be made in consultation with such after-care association or person as may be specified in a notice to be given to him by the Director on his release in accordance with paragraph (2) of the Schedule to the Ordinance. Arrangements with after-care association.

Medical examination on release.

85. Every inmate shall, as short a time as is practicable before release, be examined by the medical officer, and an inmate who is suffering from an acute or dangerous illness shall not be released until in the opinion of the medical officer it is safe to do so, unless, the period for which he may be detained in a Borstal having expired, he refuses to stay.

Outfit of clothing on release.

86. Every inmate on release shall receive an outfit of suitable clothing if his own clothing is inadequate.

(viii) STAFF

General obligations.

87. (1) Every officer shall conform to these regulations and shall support the Superintendent in the maintenance thereof.

(2) Every officer shall obey the lawful instructions of the Superintendent.

(3) Every officer shall at once communicate to the Superintendent any abuses or impropriety which may come to his knowledge.

Sick inmates.

88. Every officer shall direct the attention of the Superintendent to any inmate (whether he complains or not) who appears to be out of health, or whose state of mind appears to be deserving of special notice and care, and the Superintendent shall without delay bring such cases to the notice of the medical officer.

Business transactions.

89. (1) No officer shall without the written authority of the Director carry out any pecuniary or business transaction with or on behalf of an inmate.

(2) No officer shall without authority bring in or carry out, or attempt to bring in or carry out, or knowingly allow to be brought in or carried out, to or for an inmate, or deposit in any place with intent that it shall come into the possession of any inmate any article whatsoever.

Gratuities.

90. No officer shall receive any unauthorised fee, gratuity, or other consideration in connection with his duty.

Ex-inmates, etc.

91. No officer shall knowingly communicate with an ex-inmate or with the friends or relatives of an inmate or ex-inmate except with the knowledge of the Superintendent.

Search if required.

92. Every officer shall submit himself to be searched in the Borstal if called upon to do so by the Superintendent.

Communications to press, etc.

93. (1) No officer shall directly or indirectly make any unauthorised communication to representatives of the press or other persons in reference to matters which have become known to him in the course of his duty.

(2) No officer shall without authority publish any matter or make any public pronouncement relating to the administration or the inmates of a prison or Borstal.

Quarters.

94. (1) Every officer shall occupy such quarters as may be assigned to him and shall at any time vacate them if required to do so.

(2) On the termination of an officer's service, he shall give up the quarters he has occupied as soon as he is required to do so; and on the death of an officer his family shall give up the quarters when required to do so.

Third and Fourth Schedules.

95. Any officer below the rank of Assistant Superintendent of Prisons who is found guilty by the Superintendent of an offence specified in the Third Schedule shall suffer such punishment according to the degree and nature of the offence as is set out in the Fourth Schedule.

96. An officer charged with any disciplinary offence under regulation 95 shall, before the charge against him is dealt with as provided under that regulation, be informed in writing of the charge, and shall be given an opportunity of hearing the fact in support of the charge and of making his defence thereto, if necessary by calling witnesses.

Information
as to charge.

97. Appeal against conviction in respect of a disciplinary offence or against any punishment awarded therefor or against such conviction and punishment awarded therefor shall lie to the Director who may—

Appeal.

- (a) affirm or quash such conviction ; or
- (b) reduce, confirm, or vary such punishment ; or
- (c) refer the case back to the Superintendent for re-hearing or for further evidence to be taken.

98. Where the Superintendent is satisfied that an officer charged with an offence specified in the Third Schedule cannot, if found guilty, be adequately punished by the imposition of any punishment which he is authorised to impose owing to the gravity of the offence by reason of previous offences against discipline committed by such officer, or for any other reason, the Superintendent shall, after recording a conviction refer the case together with—

Punishment
for aggravated or
repeated
offence.

- (a) a copy of the record ;
- (b) his report of the case ; and
- (c) his recommendation as to the award of punishment,

to the Director who may award one or more of the punishments stipulated in the Fourth Schedule and or such other punishments as he considers just.

99. (1) Every person who without lawful authority—

Trafficking.

(a) conveys, supplies or causes to be supplied or conveyed to any inmate or hides or places for his use any letter or document or any intoxicating liquor, tobacco, drug, money, clothing, provisions or any other article whatsoever ; or

(b) brings or attempts by any means whatever to introduce into any Borstal, or places or attempts to place where inmates shall labour, any letter or document or any intoxicating liquor, tobacco, drug, money, clothing, provisions or any other article to be sold or used therein ; or

(c) brings or attempts to bring out of any Borstal, conveys from any inmate any letter, document, or other article ; or

(d) communicates with any inmate, shall be guilty of an offence and shall on summary conviction be liable to imprisonment for two months or to a fine of twenty pounds or to both such fine and imprisonment.

100. (1) All fines, stoppages for loss of or damage to Government property may be deducted from the pay of the officer who has incurred the liability.

Fines and
stoppages.

(2) All stoppages for loss of or damage to Government property shall be paid into revenue.

(3) All other fines imposed under these regulations shall be paid into the Prison Officers' Reward Fund (hereinafter referred to as "the Fund").

101. (1) The Director shall administer the Fund which may be employed for the following objects—

Administra-
tion of the
Fund.

(a) rewards for outstanding acts of initiative and resource on the part of Prison and Borstal officers or for special skill in the performance in any departmental duty requiring tact or ability ;

(b) rewards for any meritorious act of bravery whereby life has been saved or property has been secured from loss or destruction ;

(c) providing and furnishing recreation rooms for the use of subordinate officers ;

(d) purchase of sports and recreation equipment for Prison and Borstal officers and employees ; and

(e) the payment of a compassionate gratuity to the widow or children of any deceased Prison or Borstal Officer.

(2) The Superintendent of each Borstal shall bring to the notice of the Director without delay all cases which he considers deserving of reward from the Fund.

(3) The Fund shall be subject to audit by the Director of Federal Audit.

(ix) APPELLANTS

Appellants.

102. The three following regulations shall apply to inmates who are appellants within the meaning of any enactment or rules of court (hereinafter referred to as "the appellants".)

Custody of appellants.

103. (1) An appellant who when in custody, is to be taken to, kept in custody at, or brought back from, any place at which he is entitled to be present for the purposes of any enactment or rules of court relating to his appeal, shall while absent from the Borstal be kept in the custody of the officer designated in that behalf by the Superintendent and may be temporarily lodged by such officer in any Prison or Borstal with the knowledge of the Superintendent of such Prison or Borstal during the hearing of the appeal.

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

Private medical adviser and other visitors.

104. (1) An appellant may for the purposes of his appeal receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

(2) An appellant may for the purposes of his appeal receive a visit from any other person.

Letters and other facilities.

105. (1) Writing materials to such extent as the Superintendent considers reasonable shall be furnished to any appellant who requires them for the purpose of preparing his appeal.

(2) An appellant may write letters to his legal adviser or other persons for the purpose of his appeal.

(3) A confidential written communication prepared as instructions for the legal adviser of an appellant may be delivered personally to such legal adviser, without being examined by an officer, 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 without being previously inspected by the Superintendent.

(x) EX-OFFICIO VISITORS, VISITING COMMITTEES AND VOLUNTARY VISITORS

Term of office.

106. The members of a visiting committee appointed by the Minister under section 8 of the Ordinance shall hold office for such a period not exceeding three years, as he may fix.

107. When a visiting committee is initially constituted one of the members shall be appointed by the Minister to be Chairman. Thereafter, the committee shall appoint a chairman, and fill any casual vacancy in the office of chairman. Chairman.
108. The full committee shall meet at the Borstal at least once in every three months to discharge their functions under these regulations and a member of the committee shall visit and inspect the Borstal at least once a month. Meetings and visits.
109. The committee shall at their first meeting arrange a rota of attendance at the Borstal and fix a quorum of not less than two for the purpose of carrying out their duties, and may at that or a later meeting appoint a Vice-Chairman. Rota and quorum.
110. The powers of the committee shall not be affected by vacancies, so long as the quorum for meetings is sufficient. Vacancies.
111. The committee shall keep minutes for their proceedings. Minutes.
112. The committee shall co-operate with the Director and with the Superintendent in promoting the efficiency of the Borstal, and shall make inquiry into any matter specially referred to the committee by the Minister or the Director, and report thereon. Inquiry, etc.
113. The committee shall bring all abuses in connexion with the Borstal which come to their knowledge to the notice of the Director immediately. Abuses.
114. (1) The committee shall hear and adjudicate at the earliest possible opportunity on such offences as under regulation 28 are referred to them. Adjudication, report, etc.
- (2) They shall furnish such information with respect to the offences reported to them, and their awards, as may from time to time be required by the Director or the Minister.
115. (1) The committee and all members of the committee shall have free access to all parts of the Borstal and to all inmates, and may see such inmates as they desire, out of sight and hearing of officers. Access to Borstal.
- (2) They shall hear and investigate any application which an inmate desires to make to them, and if necessary shall report the same, with their opinion, to the Director.
116. The committee shall inspect the dietary of inmates and if they find the quality of the food unsatisfactory they shall report the matter to the Director and note the same in their minutes, and the Director shall immediately take such steps therefor as may be necessary. Diet.
117. The committee may inspect any of the books of the Borstal, and a note of any such inspection shall be made in their minutes. Books.
118. The committee may inquire into the state of the Borstal buildings, and if any repairs or additions appear to them to be necessary shall report thereon with their advice and suggestions to the Minister or the Director. Building.
119. The committee shall make an annual report at the end of each year to the Minister with regard to all or any of the matters referred to in these regulations, with their advice and suggestions upon any such matter, and they may make such other reports to the Minister or the Director as they consider necessary concerning any matter relating to the Borstal to which, in their opinion, attention should be drawn. Annual and other reports.

Contracts.

120. No visitor or member of a visiting committee of a Borstal shall have any interest, either direct or indirect in any contract made in respect of that Borstal.

Duties of voluntary visitors.

121. (1) On appointment every voluntary visitor shall be supplied with a book of rules for his guidance.

(2) Voluntary visitors shall observe those provisions of the Ordinance and the Prisons Ordinance and all regulations made thereunder binding on Borstal and Prisons officers.

(3) Voluntary visitors who shall perform their duties under the general guidance of the Superintendent shall regularly visit inmates during their sentences, particularly those inmates who are not regularly visited by their own friends and shall inform the Superintendent of any matter to which they think his attention should be drawn.

(4) Voluntary visitors shall not—

(a) be concerned with the administration and inspection of the Borstal, and with the complaint of inmates regarding their sentences and detention;

(b) communicate with friends of inmates except with the consent of the Superintendent;

(c) give to any inmate or take out of the Borstal from any inmate any letter or article of any description except with the consent of the Superintendent; and

(d) make any communication to the Press or publish any matter concerning inmates or other persons in the Borstal without the written consent of the Director.

Voluntary visitors' book.

122. The Superintendent shall provide in the Borstal a voluntary visitors' book in which each voluntary visitor shall record visits made by him to the Borstal; and it shall be the duty of the Superintendent to examine and countersign from time to time the recordings of each voluntary visitor in the book.

PART II.—REMAND CENTRES

Purpose.

123. (1) There shall be established Remand Centres for the detention for observation of persons who are thought to be not less than sixteen years but under twenty-one years of age committed there by a court of competent jurisdiction to assist such court to determine the suitability or otherwise of such persons for Borstal training.

(2) The following regulations shall apply to those persons (hereinafter referred to as "detainees") who have been committed to a Remand Centre by a court of competent jurisdiction.

Detainees detained in Borstal.

124. Detainees may, where there is no Remand Centre, be detained instead in a Borstal and where so detained they shall be deemed for all purposes to have been detained in a Remand Centre:

Provided that such detainees are segregated from the inmates of the Borstal.

Reports on a detainee.

125. (1) The reports of the observation of a detainee shall consist of—

(a) a physical and mental report by a medical officer; and

(b) a report by the Director based on enquiries made with regard to the antecedents of the detainee, and the Director shall indicate in the report his opinion as to the suitability or otherwise of the person reported upon for Borstal training.

(2) The period of detention for observation of a detainee shall not exceed twenty-one days and only one period of detention for observation shall be allowed in respect of one committal :

Provided that the Director may apply to the court for an extension, not exceeding seven days, of the period of detention for observation in respect of a detainee for the purpose of completing his report on the observation of such detainee.

126. (1) A detainee shall not be required to do any work other than what is required to keep his person, accommodation and utensils clean.

Employment of detainee.

(2) Subject to the provisions of paragraph (1) of this regulation work may be provided for a detainee should he desire it :

Provided that where the detainee is detained in a Borstal instead of a Remand Centre, such work shall not be done in association with the inmates.

127. (1) A detainee shall be permitted to wear his own clothes and to procure for himself or receive at proper hours such articles of clothing as the Superintendent may approve :

Clothing and bedding.

Provided that a detainee not having proper or adequate clothing of his own shall wear such clothing of the Remand Centre as shall be provided him.

(2) Bedding shall be provided for the detainees.

128. A detainee who does not elect to provide his own food, shall be provided with, and shall eat the same food as an inmate of a Borstal.

Remand Centre diet.

129. A detainee may receive or purchase through the Superintendent such quantity of food, books, newspapers and clothing as are consistent with good order and discipline of the Remand Centre subject to the following conditions—

Supply of food, books, etc., to detainees.

(a) notice of such requirement shall have been given in the manner prescribed by the Superintendent ;

(b) a detainee shall not be entitled to receive any allowance from the Remand Centre for food supplied at his own expense ;

(c) spirituous liquor shall not be supplied ;

(d) articles shall be inspected by an officer and shall be subject to such restriction as may be necessary to prevent waste ; and

(e) articles supplied to a detainee may be paid for out of any money of such detainee in the hand of the Superintendent.

130. A detainee shall if necessary for the purposes of his defence be allowed to see a registered medical practitioner, appointed by himself, by his friends or relatives, or legal adviser, at any reasonable hour of any week day, in the sight, but not in the hearing of the Superintendent or an officer.

Visit by registered medical practitioner.

131. (1) Reasonable facilities shall be allowed for the legal adviser of a detainee to interview the detainee in connection with his defence at any reasonable hour of any week day in the sight but not in the hearing of the Superintendent or an officer.

Visit by legal adviser.

(2) Communications intended as instructions from a detainee to his legal adviser shall be delivered to such legal adviser without being examined by the Superintendent or an officer unless the Superintendent has reasons to suspect that it contains matters not relating to such instructions.

(3) Writing materials to such extent as the Superintendent considers reasonable shall be provided to any detainee who may require them for purposes connected with the preparation of his defence.

Ordinary letters and visits to a detainee.

132. (1) A detainee shall apart from communication to his legal adviser be allowed to write and receive a letter once every week and the Superintendent may allow such additional letters as he may determine.

(2) In addition to any visits by his medical adviser and legal adviser, a detainee shall be allowed to receive one visit every week.

Withdrawal of privilege of a detainee.

133. Any provision of this Part of these regulations which in the opinion of the Director is in the nature of a privilege may at any time in respect of an individual detainee be withdrawn by the Director, if he is satisfied that such privilege has been abused by the individual concerned.

FIRST SCHEDULE (Regulations 76 and 128)

PART I.—ORDINARY DIET

MONDAY

Yam	2 lbs
Farina (Garri) .. .	1 lb
Egusi .. .	4 drs
Meat .. .	4 ozs
Oranges .. .	2 single
Mango .. .	1 single (in season)
Salt .. .	8 drs
Pepper .. .	8 drs
Palm Oil .. .	1 oz

TUESDAY

Beans .. .	2 ozs
Palm Oil .. .	2 ozs
Yams .. .	3½ lbs
Meat .. .	4 ozs
Banana .. .	1 single
Groundnut .. .	1 oz
Pepper .. .	8 drs
Salt .. .	8 drs
Mango .. .	1 single (in season)

WEDNESDAY

Pepper .. .	4 drs
Salt .. .	4 drs
Yams .. .	2 lbs
Greens .. .	8 ozs
Pineapple .. .	4 ozs
Rice .. .	8 ozs
Orange .. .	1 single
Mango .. .	1 single (in season)
Palm Oil .. .	1 oz
Fish .. .	6 ozs

THURSDAY

Pepper	..	..	..	..	8 drs
Palm Oil	..	..	..	..	1 oz
Beans ..	..	..	..	..	1 oz
Farina (Garri)	..	..	..	..	1 lb
Egusi ..	..	..	..	..	8 drs
Meat ..	..	..	..	..	4 ozs
Groundnuts	..	..	..	..	1 oz
Yams ..	..	..	..	..	2 lbs
Mango	..	..	..	..	1 single (in season)
Salt ..	..	..	..	..	8 drs

FRIDAY

Yams ..	..	..	..	..	2 lbs
Fish ..	..	..	..	..	6 ozs
Groundnuts	..	..	..	..	1 oz
Banana	..	..	..	..	1[single
Rice ..	..	..	..	..	8 ozs
Meat ..	..	..	..	..	4 ozs
Pepper	..	..	..	..	8 drs
Salt ..	..	..	..	..	8 drs
Egusi ..	..	..	..	..	4 drs
Mango	..	..	..	..	1 single (in season)
Palm Oil	..	..	..	..	1 oz

SATURDAY

Yams ..	..	..	..	..	2 lbs
Farina (Garri)	..	..	..	..	1 lb
Meat ..	..	..	..	..	4 ozs
Egusi ..	..	..	..	..	8 drs
Pepper	..	..	..	..	8 drs
Salt ..	..	..	..	..	8 drs
Pineapple	..	..	..	..	4 ozs
Mango	..	..	..	..	1 single (in season)
Okro ..	..	..	..	..	3 ozs
Palm Oil	..	..	..	..	1 oz

SUNDAY

Meat ..	..	..	..	..	8 ozs
Yams ..	..	..	..	..	2 lbs
Orange	..	..	..	..	1 single
Rice ..	..	..	..	..	8 ozs
Egusi ..	..	..	..	..	8 drs
Pepper	..	..	..	..	8 drs
Salt ..	..	..	..	..	8 drs
Mango	..	..	..	..	1 single (in season)
Palm Oil	..	..	..	..	1 oz
Okro ..	..	..	..	..	3 ozs

DAILY BREAKFAST RATION

Akara ..	..	..	..	..	..	2 ozs
Ekomimu ..	..	..	..	..	..	4 ozs

OR

Beans ..	..	..	..	..	..	1 oz
Palm Oil ..	..	..	..	..	..	1 oz
Farina (Garri)	..	..	..	..	..	4 ozs

PART II.—RESTRICTED DIET

(Regulations 27, 28, 79 (2))

1. (a) This diet, when given for a period of three days, or less, shall consist of half of the quantity of each item of food of ordinary diet for each day of the week stipulated in Part I of this schedule.

(b) Restricted diet when given for more than three days shall consist for alternate periods of three days of :—

(i) As in (a) above ; and

(ii) ordinary diet.

2. No inmate who has been on restricted diet shall be placed upon this diet for a fresh period until an interval has elapsed equal to the period already passed by the inmate on restricted diet.

SECOND SCHEDULE

(Regulation 80)

CLOTHING

1. An inmate on reception into Borstal shall be issued with adequate clothing of an approved pattern which will consist of not less than—

(a) 2 shirts ;

(b) 2 pairs of shorts ;

(c) 2 undervests ;

(d) 2 underpants ;

(e) 1 pair of sandals ; and

(f) 1 pair P.T. shorts.

2. Sports clothing will be issued for participation in organised games.

3. At any time upon the recommendation of the medical officer an inmate shall, in addition to the issue of wearing apparels stated in paragraphs 1 and 2 above be issued with any other clothing considered necessary for the health of the inmate. Such clothing will be of a pattern approved by the Director and shall be withdrawn from the inmate only on the instructions of the medical officer.

THIRD SCHEDULE

(Regulation 95)

OFFENCES

1. Absence from duty without good cause.
2. Sleeping on duty.
3. Use of obscene, abusive or insulting language to, or quarrelling with any other officer.
4. Neglect or disobedience of orders.
5. Being under the influence of drugs or alcohol while on or off duty.
6. Insubordination.
7. Neglect of duty.
8. Wilful destruction of or careless loss of or injury to Government property.
9. Malingering.
10. Using personal violence to any inmate save in the case of repeated refusal to obey a lawful order, self-defence or defence of any other officer, person or inmate.
11. Instigating or permitting any inmate to commit any crime or offence against Borstal discipline.
12. Allowing unauthorised persons to communicate with inmates.
13. Borrowing money from or lending money to any other officer.
14. Bringing tobacco or spirituous or fermented liquor or any prohibited articles into the Borstal.
15. Being improperly dressed when in uniform.
16. Reporting late for duty.
17. Losing supervision over the inmates in his charge.
18. Selling or making away with part of his uniform, equipment or accoutrements.
19. Trafficking with inmates.
20. Using personal violence or threats towards any officer.
21. Associating with discharged inmates without the written authority of the Superintendent.
22. Making any unauthorised communication concerning the Borstal to any other person.
23. Any other conduct to the prejudice of good order or discipline, or the security of the Borstal.
24. Negligent loss of, or damage to, Government property.
25. Allowing without lawful authority any intoxicating liquor, tobacco, drug, money, document or other article to be sold to, received, or used by or on behalf of any inmate.
26. Lending or giving without lawful authority to any inmate any such intoxicating liquor, tobacco, drug, money, clothing, provisions or other articles.
27. Allowing without lawful authority any letter, document, or other article to be brought out of any Borstal or to be conveyed from any inmate.
28. Absence from his quarter or station without proper authority.

FOURTH SCHEDULE

(Regulation 95)

PUNISHMENTS

1. Summary dismissal, subject to confirmation by the Director; and, in the case of a pensionable officer in certain cases, subject also to confirmation by the Federal Public Service Commission.

2. The issue of a Plain Warning, subject to confirmation by the Director.

3. Reduction in rank, subject to confirmation by the Director; and, in the case of a pensionable officer in certain cases, subject also to confirmation by the Federal Public Service Commission.

4. Stoppage, deferment or forfeiture of any increment of salary for which the officer may be eligible, subject to confirmation by the Director; and, in the case of a pensionable officer in certain cases, subject also to confirmation by the Federal Public Service Commission.

5. Fine not exceeding—

(i) 30s in the case of Chief Warder or Chief Trade Instructor.

(ii) 27s in the case of a Senior Trade Instructor or Assistant Chief Warder.

(iii) 25s in the case of an Assistant Chief Warder-in-Training.

(iv) 22s in the case of a Senior Warder or Wardress or Trade Instructor grade I or II.

(v) 20s in the case of First Class Warder or Wardress or Trade Instructor, Grade III

(vi) 15s in the case of a second class Warder or Wardress.

(vii) 10s in the case of a Third Class Warder or Wardress.

(viii) 7s 6d in the case of a recruit Warder or Wardress.

6. In case of negligent loss of, or damage to Government property, payment, in addition to any other punishment, of the amount of such loss or damage: Provided the amount of payment recovered from a stoppage from an offender's pay during any one month shall be limited to an amount as shall leave him a residue of at least one-half of his monthly pay after any other stoppages.

7. Extra duties, not exceeding four hours.

8. Reprimand or severe reprimand.

9. Caution.

MADE at Lagos this 7th day of May, 1962.

ISA KOTO,
Deputy Secretary to the Council
of Ministers

L.N. 68 of 1962

THE LEGAL EDUCATION ACT, 1962
(1962, No. 12)

Commencement Order

In exercise of the powers conferred on me by section six of the Legal Education Act, 1962, and of all other powers enabling me in that behalf, I hereby order that the provisions of that Act other than section two shall come into force on the first day of June, 1962.

MADE this thirtieth day of May, 1962.

T. O. ELIAS,
Attorney-General of the Federation

(749A)

EMERGENCY POWERS ACT, 1961

(1961, No. 1)

Emergency Powers (Advisory Tribunal) Regulations, 1962

Commencement : 1st June, 1962

WHEREAS in pursuance of section sixty-five of the Constitution of the Federation a resolution of both Houses of Parliament is in force declaring that a state of public emergency exists :

NOW THEREFORE in exercise of the powers conferred on me by the Emergency Powers Act, 1961, and of all other powers enabling me in that behalf, I, NNAMDI AZIKIWE, Governor-General of the Federation, acting in accordance with the advice of the Council of Ministers, hereby make the following regulations :—

1. These regulations may be cited as the Emergency Powers (Advisory Tribunal) Regulations, 1962, and shall apply throughout the Federation.

Short title
and extent.

2.—(1) For the purposes of section twenty-nine of the Constitution of the Federation, there shall be established a tribunal which shall consist of—

Establish-
ment of
tribunal.

(a) two members appointed by the Chief Justice of the Federation who shall be persons qualified to practise in Nigeria as advocates or solicitors ; and

(b) four other members appointed by the Prime Minister.

(2) Each member of the tribunal shall be a person appearing to the authority appointing him to be a person who will exercise an independent and impartial judgment in considering any case referred to the tribunal.

(3) The quorum of the tribunal shall be three of whom one shall be a member appointed by the Chief Justice ; and the tribunal may regulate its own procedure.

(4) The member or senior member appointed by the Chief Justice who is present at any meeting of the tribunal shall be the chairman of the tribunal at that meeting ; and the relative seniority of the members appointed by the Chief Justice shall be such as he may determine in their instruments of appointment.

(5) The tribunal may sit in two divisions.

MADE at Nsukka this 1st day of June, 1962.

NNAMDI AZIKIWE,
Governor-General