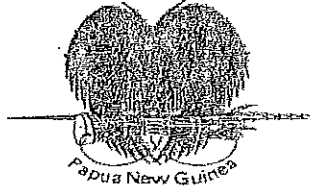


No. 22 of 2010.

Correctional Service (Amendment) Act 2010.

Certified on : 09.09.11



No. of 2010.

Correctional Service (Amendment) Act 2010.

ARRANGEMENT OF SECTIONS.

1. Retirement (Amendment of Section 12).
 "12. RETIREMENT."
2. Recruitment (Amendment of Section 17).
 "17. RECRUITMENT."
3. New Section 20A.
 "20A. ACTING APPOINTMENTS."
4. Ranks (Amendment of Section 23).
5. Interpretation (Amendment of Section 38).
6. Serious offences (Amendment of Section 42).
7. Penalties for Minor Offences (Amendment of Section 43).
8. Penalties for serious offences (Amendment of Section 44).
9. Repeal.

10. New Section 45.

“45. NO RIGHT TO APPEAL.”

11. Correctional Officer-in-Charge (Amendment of Section 66).



No. of 2010.

AN ACT

entitled

Correctional Service (Amendment) Act 2010,

Being an Act to amend certain provisions of the *Correctional Service Act 1995* and for related purposes,

MADE by the National Parliament.

1. RETIREMENT (AMENDMENT OF SECTION 12).

Section 12 of the Principal Act is repealed and replaced with the following:

"12. RETIREMENT.

(1) Subject to Subsection (2), a person who has attained the age of 60 years shall not be appointed or re-appointed as Commissioner and a person shall not be appointed or re-appointed for a period that extends beyond the date on which he will attain the age of 60 years.

(2) The Head of State, acting on advice, may, for special reasons in a particular case, appoint or re-appoint a person who is over the age of 60 years to be the Commissioner but in no case shall the Commissioner continue to act as Commissioner after he has attained the age of 65 years."

2. RECRUITMENT (AMENDMENT OF SECTION 17).

Section 17 of the Principal Act is amended by repealing Subsection (3) and replacing it with the following:

"(3) Appointments to the rank of Deputy Commissioner or Assistant Commissioner shall be made using the procedures under Section 5 of the *Correctional Service Regulation 1995*."

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3. NEW SECTION 20A.

The Principal Act is amended by inserting, after Section 20, the following new section:

"20A. ACTING APPOINTMENTS.

(1) Where a vacancy exists in the Service and in the opinion of the Commissioner, it is necessary to fill the vacancy, the Commissioner may make an acting appointment to fill the vacancy.

(2) The acting appointment shall be for a period of three (3) months, within which time, the Commissioner shall complete the process of making a permanent appointment."

4. RANKS (AMENDMENT OF SECTION 23).

Section 23 of the Principal Act is amended by inserting, after "Chief Inspector", the following words:

"Senior Inspector".

5. INTERPRETATION (AMENDMENT OF SECTION 38).

Section 38 of the Principal Act is amended by repealing the definition of "Discipline Officer" and replacing it with the following:

"Discipline Officer" means the Commanding Officer of a Correctional Institution or his nominee, appointed under Section 66(3)."

6. SERIOUS OFFENCES (AMENDMENT OF SECTION 42).

Section 42 of the Principal Act is amended by repealing Subsection (2) and replacing it with the following:

"(2) The Commissioner shall appoint for each correctional institution, a Disciplinary Board, which shall be comprised of the Commanding Officer of that correctional institution and two Correctional Officers from that correctional institution."

7. PENALTIES FOR MINOR OFFENCES (AMENDMENT OF SECTION 43).

Section 43 of the Principal Act is amended in Subsection (1) by repealing Paragraph (c) and replacing it with the following:

"(c) a fine not exceeding K200.00; or"

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8. PENALTIES FOR SERIOUS OFFENCES (AMENDMENT OF SECTION 44).

Section 44 of the Principal Act is amended in Subsection (1) by repealing Paragraph (a) and replacing it with the following:

"(a) a fine not exceeding K1,000.00; or".

9. REPEAL.

Sections 45, 46, 47, 48, 49, 50 and 51 of the Principal Act are repealed.

10. NEW SECTION 45.

The Principal Act is amended by inserting after Section 44 the following new section:

"45. NO RIGHT TO APPEAL.

(1) The Commissioner's decision in respect of the finding of guilt and penalty in respect of penalty for all disciplinary charges is final.

(2) A member who is aggrieved by the decision of the Commissioner may appeal to the National Court for Judicial Review and be dealt with under the law."

11. CORRECTIONAL OFFICER-IN-CHARGE (AMENDMENT OF SECTION 66).

Section 66 of the Principal Act is amended -

(a) by inserting a new subsection after Subsection (1) as follows:

"(1A) Subject to the disciplinary provisions and other relevant provisions of this Act, the Commanding Officer is appointed and holds office for such period as is determined by the Commissioner and is eligible for re-appointment."; and

(b) by inserting a new subsection after Subsection (4) as follows:

"(4A) Subject to Subsection (4), where there is information or evidence that the highest ranking officer of the correctional institution is not capable of discharging the duties of his office, the Commissioner may appoint another suitably qualified officer to be the Commanding Officer."

Correctional Service (Amendment)

I hereby certify that the above is a fair print of the *Correctional Service (Amendment) Act) 2010* which has been made by the National Parliament.

Clerk of the National Parliament.

I certify that the *Correctional Service (Amendment) Act 2010* has been made by the National Parliament on 25 November 2010.

Speaker of the National Parliament.