

# A BILL

## FOR

AN ACT TO MAKE THE ASSETS DECLARED BY PUBLIC OFFICERS ACCESSIBLE TO THE PUBLIC IN ORDER TO GIVE EFFECT TO THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AND FOR RELATED MATTERS

*Sponsored by Hon. Hazeem Babajide Akinloye*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

- 1           1. The objectives of this Act are to: Objectives of  
this Act
- 2           (a) promotes efficient public administration and good governance;
- 3           (b) promotes a culture of accountability, openness and
- 4           transparency in public administration;
- 5           (c) promotes public confidence in the integrity of public office
- 6           holders and the decision-making process in government; and
- 7           (d) give effect to the right to inspect asset declarations of public
- 8           officers, as provided under the Constitution of the Federal Republic of
- 9           Nigeria, 1999.
- 10          2. This Act shall apply to all asset declarations by public officers Scope of  
application
- 11          pursuant to the Constitution of the Federal Republic of Nigeria, 1999 (as
- 12          amended).
- 13          3.-(1) The Code of Conduct Bureau (in this Act referred to as "the Public access to  
declarations
- 14          Bureau"), 'shall make the asset declarations of public officers in its custody
- 15          available for inspection by any person, who has satisfied the following:
- 16               (a) a citizen of Nigeria;
- 17               (b) applies in writing to the Chairman of the Bureau;
- 18               (c) shows evidence of payment of tax in the preceding three years;
- 19          and

1 (d) has not been convicted of a breach of the Code of Conduct for  
2 Public Officers or of any offence of fraud or dishonesty by any court of law or  
3 tribunal in Nigeria;

4 (e) informs the Bureau in writing that he has reasonable suspicion that  
5 the person whose declaration is sought has not complied with the provisions of  
6 the Code of Conduct for Public Officers.

7 (2) The written application referred to in sub-section (1)(b) of this  
8 section shall clearly state:

9 (a) The applicant's name and address, including an email address and  
10 phone number;

11 (b) the name of the public officer whose asset declaration is sought to  
12 be inspected;

13 (c) the period covered by the application; and

14 (d) any office in which the public officer concerned is serving or  
15 served during the period.

16 (3) Where a person has satisfied the criteria in subsection (1) of this  
17 section, the Bureau shall, within 21 days of receiving an application to inspect  
18 the declaration, notify the applicant in writing as appropriate below:

19 (a) where the Bureau is not in custody of the declaration sought to be  
20 inspected that, the declaration is not in its possession,

21 (b) where such declaration sought to be inspected is in its possession,  
22 the date, time, place, when and where the applicant may inspect and the fees for  
23 such access; or

24 (c) where the Bureau is denying access to the declaration sought to be  
25 inspected, the reasons for the denial.

26 (4) The right to inspect shall also include the right to apply for and  
27 obtain Certified Copies of an asset declaration, or any part thereof.

Inspection

28 4.-(1) Physical inspection under this Act shall take place at the office  
29 of the Bureau, in the presence of an officer of the Bureau and within working  
30 hours.

1 (2) The person inspecting shall take reasonable care to avoid  
2 damage to the record being inspected.

3 5.-(1) Where the Bureau allows an applicant to inspect or obtain a  
4 copy of any declaration, the Bureau shall produce for inspection or delivery  
5 a certified copy of the relevant declaration excluding prejudicial  
6 information.

Restrictions on  
prejudicial  
information

7 (2) Prejudicial information for the purposes of sub-section 1 of this  
8 section shall include:

- 9 (a) street addresses of any immovable property;  
10 (b) bank account numbers;  
11 (c) certificate numbers of bonds, debentures, stocks, savings  
12 certificates, pension accounts, life insurance, trust funds and other  
13 securities;  
14 (d) vehicle registration numbers; and  
15 (e) full names of minors, except initials.

16 (3) The portion of a declaration containing prejudicial information  
17 shall be blanked out in white and shall carry the inscription "Redacted".

18 6.-(1) Where the Bureau refuses or is unable to give access to a  
19 record or information applied for under this Act, or a part thereof, the:

Refusal to give  
access

20 (a) Bureau shall give notice to the applicant stating the grounds for  
21 the refusal or inability to give access; and

22 (b) applicant shall have the right to challenge the decision refusing  
23 access and have it reviewed by the Tribunal.

24 (2) Without prejudice to the forgoing, the Bureau may within 14  
25 days write to an applicant requesting for further information to enable it  
26 identify the asset declaration sought to be identified.

27 (3) The Bureau shall for the purposes of this Act, be deemed to have  
28 refused access to inspect any asset declaration, where it fails to give access  
29 to an applicant within 21 days of the receipt of an application or after receipt  
30 of further information supplied under subsection 2 of this section.

Information to declarant	1	9. The Bureau shall, in writing and through the address on record,
	2	inform the person whose declaration has been accessed under this Act within
	3	one month of granting such access, without disclosing the identity of the
	4	applicant.
Prohibition of unlawful use of information	5	8.-(1) A person shall not obtain or use a declaration for:
	6	(a) any unlawful purpose;
	7	(b) any commercial purpose;
	8	(c) determining the financial soundness of any individual; or
	9	(d) direct or indirect solicitation of money for any purpose.
	10	(2) No information accessed by virtue of this Act shall be admissible
	11	in any civil proceedings instituted by any person for any claim, damages,
	12	declaration or other civil remedies except in defence of any such suit.
Penalty for unlawful use of information and violation of other provisions	13	9.-(1) Any person who violates any of the provisions of section 8 of
	14	this Act commits an offence and shall on conviction be liable to a fine of not
	15	exceeding two million Naira or imprisonment for two years, or both.
	16	(2) Any person who violates any other provisions of this Act for
	17	which no specific provision has been made commits an offence and shall on
	18	conviction be liable to a fine not exceeding five hundred thousand Naira or
	19	imprisonment for six months, or both.
Unauthorised publication of declarations	20	10.-(1) No information obtained pursuant to the provisions of this Act
	21	shall be published or in any way made public except with prior written
	22	authority of the Bureau.
	23	(2) The Bureau shall upon application grant authority to publish any
	24	part of an asset declaration inspected under this Act, where no pending
	25	investigation is likely to be prejudiced by such publication.
	26	(3) Nothing in this Act shall bar a person from inspecting any asset
	27	declaration as a source material for a journalistic or research publication,
	28	however, no asset declaration inspected shall be published verbatim.
Fees	29	11.-(1) The Bureau may charge reasonable fees for inspection or
	30	obtaining copies of any declaration applied for.

1 (2) The fees shall be limited to standard charges for document  
2 duplication and fees for transcription where necessary.

3 (3) The Chairman of the Bureau shall within three months of the  
4 coming into force of the Act make regulations for a scale of fees applicable  
5 to different categories for accessing declarations.

6 12. The Federal High Court and State High Courts shall have Criminal  
7 jurisdiction to try any offence created under this Act. Jurisdiction

8 13.-(1) Any applicant who has been denied access to a declaration, Review  
9 or any part thereof, may apply to the Code of Conduct Tribunal for a review  
10 of the matter within 30 days after the Bureau denies or is deemed to have  
11 denied the application, or within such further time as the Tribunal may  
12 allow.

13 (2) The Chairman of the Code of Conduct Tribunal shall within  
14 three months of the coming into force of this Act, make regulations for  
15 proceedings on the review of the rights and duties created by this Act.

16 14.-(1) The Bureau shall maintain an "Access to Asset Record of access  
17 Declarations" register wherein the name of every person requesting access granted  
18 to asset declarations, date of request, name of person whose declaration is  
19 sought and action taken by the Bureau is recorded.

20 (2) Not later than the last week of November each year, the Bureau  
21 shall prepare a report indicating the total number of requests made in that  
22 year, the number of requests granted and the number declined.

23 15. In this Act: Interpretation  
24 "Applicant" means the person who has applied to inspect asset declarations  
25 required by the Constitution to be filed by a public officer with the Bureau;  
26 "Asset Declaration" means a written declaration of all the properties, assets,  
27 and liabilities of a public officer, his spouse and those of his unmarried  
28 children under the age of 18 years;  
29 "Bureau" means the Code of Conduct Bureau established by the  
30 Constitution of the Federal Republic of Nigeria, 1999, as amended;

	1	"Constitution" means the Constitution of the Federal Republic of Nigeria
	2	1999, as amended;
	3	"Public officer" has the meaning assigned in the Constitution of the Federal
	4	Republic of Nigeria 1999, as amended;
	5	"Tribunal" means the Code of Conduct Tribunal established by the
	6	Constitution of the Federal Republic of Nigeria 1999, as amended.
Short title	7	<b>16.</b> This Bill maybe cited as the Access to Public Officers' Asset
	8	Declarations Bill, 2017.

## EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of this Act but intends to  
explain its purport)*

This Bill gives effect to the right to access declarations of assets of public officers as contemplated by Paragraph 3( c) of Part 1 to the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and for matters incidental thereto.