

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL OFFENDERS
CENTRAL REGISTRY AND FOR RELATED MATTERS

Sponsored by Hon. Ochiglegor Idagbo

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

PART 1 - ESTABLISHMENT OF THE NATIONAL OFFENDERS

CENTRAL REGISTRY

1 1.-(1) There is hereby established a body to be known as the
2 National Offenders Registry (in this Act referred to as "The Registry").

Establishment
of the Registry

3 (2) The Registry:

4 (a) shall be a body corporate with perpetual succession;

5 (b) shall have a common seal which shall be kept in such custody as
6 the Registry may, from time to time authorize; and

7 (c) may sue and be sued in its corporate name.

8 2. The objectives of the Registry shall be to:

Objectives of
the Registry

9 (a) consult and obtain from Nigerian courts vested with criminal
10 jurisdiction data of persons convicted of criminal offence;

11 (b) consult and obtain from the Nigeria Prison Service, borstal
12 homes and other remand centres, data of persons who have served or are
13 serving any term of imprisonment as convicts;

14 (c) consult and demand from Nigerian missions abroad, police
15 authorities and such other relevant institutions, information and records
16 relating to Nigerians that have been convicted of criminal offences in other
17 countries or are serving or have served any term imprisonment in such
18 countries;

19 (d) provide a central record of information of persons convicted of

1 criminal offences whether in Nigeria or in other countries;

2 (e) formulate, initiate and implement such policies, programmes and
3 measures that will enhance information and record-keeping or persons
4 convicted of criminal offences with a view to having and maintaining an
5 efficient and reliable data-base system of criminal records in Nigeria;

6 (f) do anything which in its opinion may advance the objects for
7 which the registry is set up.

Establishment
of the Management
Board

8 3.-(1) There is hereby established a board to be known as the
9 management Board for the Registry which shall, subject to this Act, have
10 general control of the Registry.

11 (2) The Management Board shall consist of:

12 (a) Chairman, who shall be retired judicial officer;

13 (b) One representative each of the following:

14 (i) the Federal Ministry of Justice;

15 (ii) the Federal Ministry of Interior;

16 (iii) Inspector-General of Police or his nominee not below the rank of
17 a Commissioner of Police;

18 (iv) Comptroller-General of Prisons or his nominee not below the
19 rank of an Assistant Comptroller of Prison;

20 (v) Nigerian Bar Association; and

21 (vi) Six other members appointed from each of the six geo-political
22 zones in the country with relevant public service or professional experience.

23 (3) The Chairman and other members shall be appointed by the
24 President subject to the confirmation of the National Assembly.

Tenure of Office

25 4.-(1) Subject to the provisions of this section, a member of the Board
26 shall hold office for four years and shall be eligible for re-appointment for
27 another four years except if appointed on zonal basis under section 3 (2) (vi) of
28 this Act in which case the appointment shall terminate at the end of the first four
29 years.

30 (2) Notwithstanding the provisions of subsection (1) of this section,

1 the President may at any time remove a member of the Board, if the
2 President is of the opinion that it is not in the National interest or the interest
3 of the Board for the member to continue in office, and shall notify the
4 member in writing to that effect.

5 (3) Any member may, in writing under his hand addressed to the
6 President at any time, resign his appointments.

7 (4) The office of a member of the Board shall become vacant if:

8 (a) the period of his appointment has expired;

9 (b) he is guilty of misconduct in his office as a member and a
10 resolution of the Board approves the termination of his membership; and

11 (c) he dies, resigns or he is removed from office.

12 5. Soon after the office of a member becomes vacant, the authority
13 by whom he was appointed shall appoint another person in his place in
14 accordance with the provisions of this Act.

15 6. Members of the Board shall be paid out of the moneys at the
16 disposal of the Board such remunerations and allowances the Board shall fix
17 subject to the approval of the Revenue Mobilization and Allocation
18 Commission.

19 7. The provisions contained in the schedule to this Act shall have
20 effect with respect to the proceedings of the Board and other matters
21 contained therein.

Procedure of
the Board

22 PART 11 - FUNCTIONS AND POWERS OF THE REGISTRY

23 8. The Registry shall:

Functions of
the Registry

24 (a) develop and evolve an efficient and reliable database of
25 information of persons convicted of criminal offences in and outside
26 Nigeria;

27 (b) create a national central register and documentation system
28 capable of receiving and storing information and records relating to all
29 persons convicted in Nigeria or anywhere in the world of criminal offences
30 and/or have served or are serving any term of imprisonment whether in or

1 outside Nigeria;

2 (c) promote and undertake research programmes that will enhance its
3 functions generally.

4 (d) create and maintain offices in each state of the federation and the
5 Federal Capital Territory of Abuja and in such other places to assist facilitate or
6 enhance its performance of the task of ensuring that there exists an efficient,
7 functional and reliable documentation and record keeping procedures of
8 criminal records and information in the country;

9 (e) liaise and collaborate with all relevant institutions (f) acquire and
10 hold movable and immovable properties;

11 (f) charge and receive fees and other payments for services rendered
12 to the public;

13 (g) receive or accept gifts from governments and other bodies
14 whether in cash or kind that may enable it to efficiently and effectively
15 discharge its functions in the National interest; and

16 (h) do or cause to be done anything which in its opinion may advance
17 the objects for which the Registry was set up.

Powers to co-opt
Members

18 9.-(1) The Board may, from time to time, co-opt any person or persons
19 not exceeding two in number, to assist the Registry to carry out the objects for
20 which it was set up under this Act.

21 (2) Any person co-opted under subsection (1) of this section, may take
22 part in the deliberation of the Board but shall not be deemed a member for this
23 purpose of voting at a meeting or forming a quorum.

Appointment,
etc., of the
Registrar

24 10.-(1) There shall be a Registrar who shall be appointed by the
25 President on the recommendation of the Minister.

26 (2) The Board shall not exercise any disciplinary control over the
27 Registrar without the approval of the Minister.

28 (3) Subject to the provisions of this Act and the control of the Board
29 over matters affecting the finance of the Registry, the Registrar shall be the
30 Chief Executive of the Registry and shall be charged with the general

1 responsibility for the day to day running and the management of the affairs
2 of the Registry and in particular shall:

3 (a) be charged with the execution of the policies and decisions of
4 the Board;

5 (b) keeping proper records of proceedings of the Board; and

6 (c) the direction and control of all other employees.

7 (4) The Registrar shall hold office:

8 (a) For a term of 5 years and no more; and

9 (b) On such terms and conditions as to emoluments and otherwise
10 as may be specified in his letter of appointment.

11 (5) Without prejudice to the provisions of subsection (I) of this
12 section, the Board may appoint persons as employees of the Registry either
13 by way of transfer or secondment from any of the public service of the States
14 or of the public service of the Federation, may also appoint qualified persons
15 as employees of the Registry from the public.

16 (6) Service in the Registry shall be approved service for the
17 purposes of the Pensions Reform Act and the employees of the Registry
18 shall be entitled to pensions, gratuities and other retirement benefit as
19 prescribed in the Act.

20 11.-(1) The Registry shall establish and maintain a fund from
21 which shall be defrayed all expenditure incurred by the Registry.

Fund of the
Registry

22 (2) There shall be paid and credited to the fund in pursuance section
23 (1) of this section:

24 (a) all moneys as may be granted to the Registry by the Federal
25 Government;

26 (b) all monies accruing to the Registry by any means including
27 grants-in-aid, endowments and donations; and

28 (c) all charges, dues, fees or amounts collected and received by the
29 Registry.

30 (3) All sums of money received by the Registry as accruing to it,

- 1 shall be paid into the Central Bank of Nigeria for the credit of the Registry.
- Accounts and
Audit 2 12.-(1) The Registry shall keep proper accounts and shall cause to be
3 prepared in each year:
4 (a) a statement showing the income and expenditure of the Registry
5 for the immediately proceeding year, and
6 (b) a statement of the assets and liabilities of the Registry as at the last
7 day of the immediately proceeding year.
- 8 (2) The Registry shall cause every statement prepared under this
9 section to be audited within six months after the end of the year to which
10 statement relates by auditors appointed from the list and in accordance with the
11 guidelines supplied by the Auditor-General of the Federation.
- Annual Estimates 12 13. The Board shall cause to be prepared not later than 1st September
13 in each year, an estimate of the expenditure necessary to carry out the
14 programme approved by the Board for the next succeeding year and shall not
15 later than 31st October in each year submit to the President an estimate of
16 expenditure and that of its income during the next succeeding year.
- Annual Report 17 14. The Registry shall prepare and submit to the President once every
18 year a report on the activities of the Registry during the immediately preceding
19 year and shall include in the report a copy of the audited accounts of the
20 Registry for that year and of the auditor's report thereon.
- 21 PART 111 - MISCELLANEOUS PROVISIONS
- Power of the
Registry to issue
Clearances
Certificates, etc. 22 15.-(1) The Registry shall upon an application made to it by any
23 person, issue or cause to be issued a clearance certificate stating among other
24 things, that the applicant is not a convict and is not serving nor has served any
25 term of imprisonment nor been indicted for a criminal offence for which he was
26 found guilty and convicted either in Nigeria or in any other country.
- 27 (2) Any application made pursuant to the provision of subsection (1)
28 of this section, shall as far as practicable, be accorded expeditious
29 consideration and shall be within a period not exceeding fourteen working days
- 30 (3) Notwithstanding anything to the contrary in any other Law and

1 subject to the provisions of this Act, every person seeking election into any
2 public office in Nigeria or seeking employment in the public service of the
3 Federation or of any state, shall apply for a clearance certificate pursuant to
4 the provisions of sub-section (1) of this section.

5 (4) Non-compliance with the provisions of sub-section (3) of this
6 section shall invalidate the election or employment of any person affected
7 by the provisions of this Act.

8 (5) It shall be lawful for the Registry to impose and collect fees and
9 other charges for services rendered in accordance with the provisions of this
10 Act and in accordance with the regulations made by the Board prescribing
11 such fees and charges.

12 (6) Any regulations made under subsection(s) of this section shall
13 be published in the Federal Gazette.

14 **16.** In this Act, unless the context otherwise requires:

Interpretation

15 "Board" means the management Board of the National Offenders Central
16 Registry established under Section 3 (1) of this Act;

17 "Registry" means the National Offenders Central Registry established
18 under section 1 (1) of this Act;

19 "Chairman" means the chairman of the Management Board;

20 "Member" means a member of the Management Board and includes the
21 chairman;

22 "Registrar" means the Registrar of the Registry appointed under section 9 (1)
23 of this Act;

24 "President" means the President of the Federal Republic of Nigeria;

25 "Minister" means the minister charged with the responsibility for matters
26 relating to the Federal Ministry of Justice;

27 "Power" includes duties and functions;

28 **17.** This Bill may be cited as the National Offenders Central
29 Registry Bill, 2017.

Short Title

1 SCHEDULE

2 *Section 3 (3)*

3 1. Subject to this Act and section 27 of the interpretation Act, the
4 Board may make standing orders regulating the proceedings of the Board and
5 any committee thereof.

6 *[Cap. 123.]*

7 2. Every meeting of the Board shall be presided over by the chairman
8 and if the chairman is unable to attend a particular meeting, the members
9 present at the meeting shall elect one of their members to preside at the
10 meeting.

11 3. The quorum at a meeting of the Board shall consist of the chairman
12 (or in an appropriate case, the person presiding at the meeting pursuant to
13 paragraph 2 of this Schedule) and six other members.

14 4. The Board may, on any special occasion, co-opt any person to be a
15 member for as many meetings as may be necessary, and that person while so
16 co-opted shall have all the rights and privileges of a member, except that he
17 shall not be entitled to vote or count towards a quorum.

18 Committees

19 5.-(1) Subject to its standing orders, the Board may appoint such
20 number of standing and ad hoc committees as it thinks fit to consider and report
21 on any matter with which the Registry is concerned.

22 (2) every committee appointed under the provisions of sub-paragraph
23 (1) of this paragraph shall be presided over by a member of the Board and shall
24 be made up of such number of persons, not necessarily members of the Board,
25 as the Board may determine in each case,

26 6. The decision of a committee shall be of no effect until it is
27 confirmed by the Board.

28 7. The fixing of the seal of the Registry shall be authenticated by the
29 signature of the Chairman and of the Registrar of the Registry or such other
30 member authorized generally or specially by the Board to act for that purpose.

1 8. A contract or an instrument which, if made by a person not
2 being a body corporate, would not be required to be under seal, may be made
3 or executed on behalf of the Registry by the Registrar or by any other person
4 authorized generally or specifically by the Board to act for that purpose.

5 9. A document purporting to be a contract, an instrument or other
6 document signed or sealed on behalf of the Registry shall be received in
7 evidence and, unless the contrary is proved, be presumed without further
8 proof, to have been so signed or sealed.

9 10. The validity of a proceeding of the Board or of a committee
10 thereof shall not be adversely affected:

11 (a) by a vacancy in the membership of the Board;

12 (b) by a defect in the appointment of a member of the Board or
13 committee; or

14 (c) by reason that a person not entitled to do so took part in the
15 proceeding.

16 11. A member of the Board or committee who has a personal
17 interest in a contract or an arrangement entered into or proposed to be
18 considered by the Board or committee shall forthwith disclose his interest to
19 the Board or committee and shall not vote on any question relating to the
20 contract or arrangement.

EXPLANATORY NOTE

This Bill seeks to establish a National Offenders Central Registry to provide for the establishment of a Central registry with regard to the collation and storage of criminal information and records for the country.

