

A BILL

FOR

AN ACT TO PROVIDE FOR LICENSING AND REGULATION OF PRIVATE
DETECTIVES AND INVESTIGATORS AND FOR RELATED MATTERS

Sponsored by Hon. Uchechukwu G. Nnam-Obi

[] Commencement

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

- 1 1.-(a) It shall be lawful for the Minister to issue license to a person, Powers of the
- 2 firm, corporation, or other legal entity to act as or provide the functions of a Minister
- 3 private detective and investigator;
- 4 (b) A person, firm, corporation, or other legal entity so licensed
- 5 may seek and obtain information for a client relating to any of the following:
- 6 (i) Crimes or wrongs done or threatened against the Federal
- 7 Republic of Nigeria or any State or Local Government of Nigeria;
- 8 (ii) The identity, habits, conduct, business, occupation, honesty,
- 9 credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
- 10 movements, whereabouts, affiliations, associations, transactions, acts,
- 11 reputation, or character of any person, firm or other entity;
- 12 (iii) The location, disposition, or recovery for lost or stolen
- 13 property;
- 14 (iv) The location, disposition, or recovery for fires, libels, losses,
- 15 accidents, or injuries to individuals or real or personal property;
- 16 (v) The truth or falsity of any statement or representation;
- 17 (vi) Securing evidence to be used before any court, tribunal, board
- 18 or investigating body.
- 19 (vii) The protection of individuals from bodily harm or death.
- 20 2.-(a) The Minister, upon application and after the applicant's Application
- 21 satisfactory completion of the requirements set forth in this Act and any and Licensure

1 rules or regulations made by the Minister thereto, may issue an applicant a
2 license to conduct business as a private detective and investigator indicating
3 the name, license number and business location of the licensee and the date of
4 expiration;

5 (b) A license granted under this Act may be renewed upon application
6 and payment of a renewal fee and fulfilling all requirements set by any Rules or
7 Regulations made by the Minister under this Act.

Qualifications
for Licensure
of individual

8 3. The Minister shall issue a license to conduct business as a private
9 detective and investigator if satisfied that the applicant is a person who meets
10 all of the following qualifications:

11 (a) Is a citizen of the Federal Republic of Nigeria;

12 (b) Is not a minor;

13 (c) Has not been convicted of an offence involving any of the
14 following:

15 (i) Dishonesty or fraud;

16 (ii) Unauthorised divulging or selling of information or evidence;

17 (iii) Impersonation;

18 (iv) Illegally using, carrying, or possessing a firearm or dangerous
19 weapon;

20 (v) Drug or alcohol offences;

21 (vi) An assault.

22 (d) Has not been dismissed from the armed forces, para-military
23 services, police or any law enforcement agency.

24 (e) Has complied with any other condition that may be set by any
25 Rules or Regulations made by the Minister under this Act.

Qualifications
for Licensure
Agency

26 4. The Minister shall issue a license to conduct business as a private
27 detective and investigative agency to a firm, corporation or other legal entity
28 who meets all of the following qualifications:

29 (a) Is duly registered under the laws of the Federal Republic of
30 Nigeria;

1 (b) Is duly authorised by its memorandum and articles of
2 association to engage in the business of a private detective and investigative
3 agency;

4 (c) At least one partner or director was an officer of the Nigerian
5 Police or Armed Forces not below the rank of Assistant Superintendent of
6 Police, or Lieutenant and its equivalent or has obtained relevant private
7 detective and investigative training;

8 (d) The agency has at least a full time executive licensee-in-charge,
9 which shall be a continuing requirement for agency licensure, provided that
10 no private detective or investigator shall be the licensee-in-charge for more
11 than one agency.

12 5.-(a) An applicant shall execute, deliver and file with the Minister
13 a bond in a sum as may be determined by the Minister and conditioned for
14 the faithful and honest conduct of the business by the applicant. In lieu of a
15 bond, the applicant may furnish a policy of insurance in a sum to be
16 determined by the Minister for injury or death arising out of the operation of
17 the licensed activity;

Bond or Insurance

18 (b) The bonds or insurance shall be taken to the effect that any
19 person injured by the willful, malicious, and wrongful act of the licensee
20 may bring an action on the bond or insurance in his or her own name to
21 recover damages suffered by reason of such willful, malicious, and
22 wrongful act.

23 6.-(a) A licensee may employ as many persons as considered
24 necessary to assist in the work and in the conduct of the business of the
25 licensee;

Employee
requirement

26 (b) At all times during the employment, the licensee shall be
27 responsible for the good conduct in the business of each person so
28 employed;

29 (c) A licensee shall keep adequate and complete records of all
30 persons employed which records shall be forwarded to the Minister on

1 forms prescribed by the Rules or Regulation made under this Act;

2 (d) A licensee shall issue an identification card to each of his or its
3 employee. This identification card shall contain photograph of the employee,
4 the employee's name, the name and license number of the licensee, the date of
5 issuance, the signature of the employee and the licensee or its Chief Executive
6 in the case of a firm and an identification card number;

7 (e) Any person who is or has been an employee of a licensee shall not
8 divulge to anyone other than his employer, or as the employer shall direct, or as
9 may be required by law, any information acquired by him during his
10 employment in respect of any work to which he shall have been assigned by the
11 employer;

12 (f) Any employee violating the provisions of this section and any
13 employee who willfully makes a false report to his employer in respect of any
14 work is guilty of any offence and liable on conviction to a term of
15 imprisonment not exceeding 3 years or a fine in the sum not exceeding
16 N500,000;

17 (g) Any officer, director, or employee of a licensed agency who
18 willfully furnishes false information to clients, or who willfully sells, divulges
19 or otherwise discloses to any other person information obtained in the course of
20 his employment, except as may be required during employment by the client, is
21 guilty of an offence and is subject to summary suspension of license and
22 revocation of license upon satisfactory proof of the offence to the Minister;

23 (h) Any communications, oral or written, furnished by a professional
24 or client to a licensee or any information secured in connection with an
25 assignment for a client, is considered privileged with the same authority and
26 dignity as are other privileged communication recognized by the courts.

27 7.-(a) A licensee shall prominently display his individual or agency
28 license at each place where business is being conducted;

29 (b) A licensee shall not use any designation or trade name which has
30 not been first approved by the Minister and shall not use any designation or

1 trade name that implies any association with any local, state or federal-
2 government;

3 (c) A licensee that receives or generates a written or electronic
4 report shall keep the report or file in the office of the licensee for at least 5
5 years unless the file is returned to the client.

6 8. This Act does not apply to any of the following:

General
exemptions

7 (a) An employee of the Federal, State or Local Government in the
8 performance of his official duties within the scope of his employment;

9 (b) Insurance adjusters employed as such who engage in no other
10 investigative activities other than those directly connected with adjustment
11 of claims against an insurance company and does not use the term
12 "investigation" or any derivative thereof, in its name or its advertising;

13 (c) Legal Practitioners in the exercise of their professional duties.

14 9.- (a) A person, firm, corporation or other legal entity shall not
15 engage in the business or practice of private detective and investigator and
16 shall not advertise his or its business or practice to be that of private
17 detective and investigator without first obtaining license from the Minister;

Offences

18 (b) A person, firm, corporation or other legal entity violating this
19 section is guilty of an offence and shall be liable upon conviction to a term of
20 imprisonment not exceeding 3 years or a fine not exceeding N500,000.

21 10.- (a) Upon termination of employment by the agency, to fail to
22 return within 7 days of termination of employment any uniform, badge,
23 identification card, or equipment issued to the employee by the agency;

It is unlawful for
a licensee or any
employee of a
licensee

24 (b) To falsify the employee's record filed with the Minister under
25 this Act;

26 (c) To imply in any manner that the person is an employee or agent
27 of a state law enforcement agency;

28 (d) To use, carry, or possess firearm without license.

29 11. The Minister may deny issuance, refuse to renew, or restore or
30 may reprimand, place on probation, suspend, or revoke any license,

Disciplinary
powers of the
Minister

1 registration, identification card and he may impose a fine not exceeding
2 N500,000 for any of the following:

3 (a) Professional incompetence as manifested by poor standards of
4 service;

5 (b) Engaging in dishonourable, unethical, or unprofessional conduct
6 of a character likely to deceive, defraud or harm the public;

7 (c) Performing any services in a grossly negligent manner or
8 permitting any of a licensee's employees to perform services in grossly
9 negligent manner, regardless of whether actual damage to the public is
10 established;

11 (d) Willfully deceiving or defrauding the public on a material matter;

12 (e) Failing to account for or remit moneys or documents coming into
13 the licensee's possession that belong to another person or entity;

14 (f) Giving differential treatment to a person that is to that person's
15 detriment because of sex, religion or ethnic origin;

16 (g) Engaging in false or misleading advertising;

17 (h) Purporting to be a licensee-in-charge of any agency without active
18 participation in the agency;

19 (i) Failing to comply with any provision of this Act, or any rule or
20 regulations made under it.

Prosecution of
Crime

21 12.-(a) A person may make a request in writing to the Attorney-
22 General to initiate criminal proceedings against any other person based on the
23 report of a private detective or investigator provided that such request also
24 furnishes a detailed report of investigation of crime by licensee under this Act;

25 (b) The Attorney-General shall if satisfied that there is reasonable
26 ground for prosecution cause criminal proceedings to be commenced;

27 (c) Any person who makes a request may also apply by a legal
28 practitioner for a fiat of the Attorney-General to prosecute under this section
29 and the Attorney-General shall not unreasonably withhold the granting of such
30 fiat.

1	13. The Minister may from time to time make rules and regulations	Rules and Regulations made by the Minister
2	for carrying into effect and administering the provisions of this Act.	
3	14. Unless otherwise provided, any person who violates any of the	Miscellaneous Offences
4	provisions of this Act or a rule or regulation made under it shall be guilty of	
5	an offence and shall be liable upon conviction to a term of imprisonment not	
6	exceeding 3 years or a fine not exceeding N500,000.	
7	15. In this Act, the masculine gender, wherever it appears, includes	Gender Definition
8	the feminine gender.	
9	16. In this Act, unless the context otherwise requires, the following	Interpretation
10	expression have the meanings hereby assigned to them respectively, that is	
11	to say:	
12	"Agency" means a person, firm, corporation, or other legal entity that	
13	engages in the private detective business' and employs, in addition to	
14	licensee-in-charge, one or more persons in conducting such business;	
15	"Applicant" means a person, firm, corporation Or other legal entity applying	
16	for license under this Act;	
17	"Attorney-General" means Attorney-General of the Federation and Minister	
18	for Justice;	
19	"Corporation" means an artificial person or legal entity created by or under	
20	the authority of the laws of the Federation including but not limited to a	
21	partnership, limited liability company, or any other legal entity;	
22	"Employee" means a person who works for a person or agency that has the	
23	right to control the details of the work performed;	
24	"Licensee" means a person, firm, corporation or other entity licensed under	
25	this Act;	
26	"Licensee-in-charge" means a person who is the Chief Executive Officer of	
27	an agency and in full time employment of the agency or owner who assumes	
28	responsibility for assuring the licensed agency's compliance with the	
29	provisions of this Act;	
30	"Minister" means the Minister responsible for Police Affairs or any other	

1 Minister that may be charged with responsibility for administering this Act;
2 "Private Detective" or "Private Investigator" means a person who by any
3 means, including but not limited to manual or electronic methods, engages in
4 the business of, accepts employment to furnish, or agrees to make or makes
5 investigations for a fee or other considerations for the purposes of obtaining
6 information relating to any of the following:

7 (i) Crimes or wrongs done or threatened against the Federal Republic
8 of Nigeria, any State or Local Government of Nigeria;

9 (ii) The identity, habits, conduct, business, occupation, honesty,
10 credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
11 movements, whereabouts, affiliations, associations, transactions, acts,
12 reputation, or character of any person, firm or other entity;

13 (iii) The location, disposition, or recovery of lost or stolen property;

14 (iv) The cause, Origin, or responsibility for fires, libels, losses,
15 accidents, or injuries to individuals or real or personal property;

16 (v) The truth or falsity of any statement or representation;

17 (vi) Securing evidence to be used before any court, tribunal, and
18 board or investigating body;

19 (vii) The protection of individuals from bodily harm or death.

Short Title

20 **17. This Bill may be cited as Private Detectives and Investigators**
21 **Bill, 2018.**

EXPLANATORY NOTES

This Bill seeks to license and regulate private detectives and investigators.