

[HB. 15.12.328]

A BILL

FOR

AN ACT TO AMEND INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED
OFFENCES COMMISSION (ESTABLISHMENT) ACT, 2000

*Sponsored by HON. BEDE EKE UCHIENNA
(Aboh Mbaise/Ngor Okpala Federal constituency)*

Commence-
ment.

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

1 1. The Independent Corrupt Practices and Other Related Offences
2 Commission (Establishment) Act, 2000 (hereinafter referred to as
3 “the Principal Act” is hereby amended as set out in this Act.

Amendment
of the
Principal
Act.

4 2. Section 6 (a) of the Principal Act is amended by inserting the
5 words to initiate investigation” after the word “Corruption” as
6 follows—

Amendment
of section 6.

7 “General
duties of the
8 Commission
investigate
9 complaints
10 and
prosecute
11 offenders,
12 etc.

6. It shall be the duty of the Commission—

8 (a) Where reasonable grounds exist for suspecting
9 that any to receive, person has conspired to commit
10 or has attempted to commit or has committed an
11 offence under this Act or any other law prohibiting
12 corruption, to initiate investigation, to receive and
13 investigate any report of the conspiracy to commit,
14 attempt to commit or the commission of such offence
15 and, in appropriate cases, to prosecute the offenders;

16 3. Section 6 of the Principal Act is amended by inserting therefore
17 the following new subsections (g) and (h), as follows:

Amendment
of section 6.

18 (g) Except in respect of offences under the Money Laundering
19 Act, it shall be the primary responsibility of the Commission to
20 investigate and prosecute the contravention of the provisions of this
21 Act by Public or civil servants and elected or appointed local

1 government political office holders.

2 (h) Except where there are overriding considerations the powers
3 and jurisdiction of the commission shall not become exercisable
4 except as follows:

5 (i) In the case of private transactions where the offence or
6 contravention of the Act involves a minimum sum or an aggregate
7 sum of one million Naira;

8 (ii) In the case of government transactions where the offence
9 or contravention of the Act involves a minimum sum aggregate
10 sum of five hundred thousand Naira.

Amendment
of section
38.

11 4. Section 38 of the Principal Act is amended by inserting the
12 following new section, that is—

13 Failure 38.—(1) Where money, stocks, property, real or
14 personal is acquired or suspected to have been acquired
15 in breach of the provisions of this Act or where such
16 property is involved or suspected to be involved in a
17 transaction or attempted transaction which constitutes a
18 violation of this Act, the Commission may apply to the
19 Court to have such money, stocks or property forfeited.

20 (2) Forfeiture proceeding as provided in subsection
21 1 of this section shall be applicable inclusive of the
22 following cases:

23 Where the suspected owner of the property,

24 (a) is a fugitive;

25 (b) cannot be located despite the exercise of due
26 diligence;

27 (c) resides outside Nigeria or within Nigeria but
28 efforts at locating him are unavailing, impossible or
29 unproductive;

30 • (d) disclaims ownership of the property and no other
31 person has come to lay claim to the property.

1 (3) Where a property is suspected to be a proceed
2 of a breach of the provisions of this Act and subject to
3 forfeiture under subsection 1 of this section, the
4 Commission shall notify the general public by publication
5 of its intention to apply to court to have such property
6 forfeited in at least two (2) national newspapers and after
7 a period of 30 days from the date of such publication
8 may apply to the Court to have such property forfeited.

9 (4) Any person who owns and claims that a property
10 sought to be forfeited was not acquired in contravention
11 of this Act or any other law in respect of which the
12 Commission has powers may apply to court to oppose
13 the order of forfeiture.

14 (5) Any application in furtherance of subsection 4
15 of this section shall be made in person by the applicant.

16 **5.** The Principal Act is amended by renumbering sections 38, 39,
17 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,
18 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71 as sections 39,
19 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,
20 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72 respectively.

21 **6.** Section 72 of the Principal Act as renumbered is amended by
22 substituting for the existing section the following new section, that is:

Amendment
of section
72.

23 **72.**—(1) Subject to the provisions of the Constitution of the Federal
24 Republic of Nigeria, where an application for stay of proceedings
25 is brought by any person in respect of any matter brought by the
26 Commission before the Court, the Court shall irrespective of such
27 application, continue with the substantive proceeding until judgment
28 is delivered by the Court.

29 **7.** The Principal Act is amended by inserting the following new
30 section, that is—

Amendment
of section
73.

1 **73.** The Commission may accept gifts of land, money or other
2 property (whether within or outside Nigeria) upon such terms and
3 conditions, if any, as may be specified by the person or organization
4 making the gift provided that the terms and conditions are not contrary
5 to the objectives and functions of the Commission under the Act.

Amendment
of section
74.

6 **8.** The principal Act is amended by inserting the following new
7 sections, that is—

8 “Appointment **74.**—(1) Notwithstanding the provisions of section
9 of Secretary 3 (14) of this Act, the Commission shall, not later than
10 and other 30th September in each year, submit to the National
11 staff of the Assembly, a report of its activities during the immediately
12 Commission. proceeding year and shall include in such report the
13 audited account of the Commission.

14 (2) Where any officer or person is appointed or
15 seconded under subsection 3 of this section, such officer
16 or person shall hold such appointment for a minimum of
17 four years (subject to a further term of four years as
18 may be determined by the Commission in writing) and
19 shall not be subject to any transfer or posting out of the
20 Commission within the period aforementioned.

21 (3) Any person approving the deployment or
22 secondment of such officer or person shall be deemed to
23 have consented to the release of such officer or person
24 for the period mentioned in subsection (2) above.

25 (4) No person appointed or seconded from any
26 agency or department of the public service of the
27 federation shall be nominated, approved or directed, or
28 compelled to attend any course (in any institution within
29 Nigeria or outside) howsoever described unless by the
30 approval of the Commission and with the consent of the
31 officer or person concerned.

1 (5) No person or officer appointed or seconded from
2 any agency or department of the public service of the
3 federation shall be made to suffer any detriment on
4 account of failure to attend any course, conference
5 pursuant to this Act.

6 **75.** It shall be lawful for the Commission or anyone
7 action on its behalf to arraign any person or body or seek
8 any orders as the case may be from an appropriate Court
9 or tribunal within Nigeria for the purpose of executing
10 its mandate under this Act.

11 **9.** This Bill may be cited as the **Corrupt Practices and Other** Short Title.
12 **Related Offences (Establishment) Act (Amendment) Bill, 2015.**

EXPLANATORY MEMORANDUM

This Act seeks to amend the **Corrupt Practices and Other Related Offences Act 2000** to enhance and strengthen the Commission's efficiency among other things.