

FOR

*Sponsor by Hon Oni Olamide Johnson*

**[ ] Commencement**

1                   **1.-(1) Subject to the provisions of the Constitution, a private person**  
2                   **shall have power to initiate or conduct criminal proceedings against another**  
3                   **person who is suspected of committing an offence or charged with an**  
4                   **offence in a Court of law.**

5 (2) Nothing in subsection (1) shall be construed as authorizing a  
6 private person who is not a Legal Practitioner in Nigeria to appear in a Court  
7 of law as Prosecutor.

8                   2.-(1) A private person who is desirous of initiating or conduct  
9           criminal proceedings against another person, shall make a. formal complaint  
10       to the Police or any authorized law enforcement agency stating:

11 (a) facts and the circumstances of the allegations;  
12 (b) the suspect (if any);  
13 (c) the victim (if any);  
14 (d) the witness (if any);  
15 (e) time or date;  
16 (f) place, and  
17 (g) any other information that may be useful in the investigation of  
18 the allegation.

19 (2) Except otherwise, directed by law, a complaint received by the

1 police or the authorized law enforcement agency under this section, shall be  
2 treated with utmost confidence.

Period of  
investigation of  
complaint

3 3.-(1) The Police or any authorized Law enforcement agency, to  
4 which a complaint is made, shall acknowledge receipt in writing and ensure  
5 that the complaint is investigated and a report on the complaint is presented  
6 within the period prescribed in subsection (2).

7 (2) Where after investigating a complaint, the Police or any  
8 authorized Law enforcement agency, is of the view, that:

9 (a) a prima facie case is established, the complaint and the findings  
10 relating to it, is presented to the Office of the Attorney General of the  
11 Federation for further action within 90 days;

12 (b) no prima facie case is established, the complaint and the findings  
13 related to it, is reported to the complainant or his or her legal representatives  
14 within the 90 days.

15 (3) Where after receiving a complaint, the Police or the authorized  
16 Law enforcement agency fails or neglects to investigate the complaint, on the  
17 expiration of 90 days, it shall be deemed that the Police or the Law enforcement  
18 agency, is of the view that no prima facie case is established.

When a private  
person can initiate  
or conduct criminal  
proceedings

19 4. A private person, who is not satisfied with the report or action of  
20 the Police or any authorized Law enforcement agency on a complaint, may  
21 after the expiration of 90 days, initiate or conduct criminal proceedings,  
22 against another person suspected of committing an offence or charged with an  
23 offence in a Court of law.

Conditions for  
initiating or  
conducting  
criminal  
proceedings

24 5. A private person shall initiate or conduct criminal proceedings  
25 against another person if, in addition, to any other conditions or terms  
26 prescribed by Law the person meets the following conditions:

27 (a) pays to the Court an amount prescribed by the Court before the  
28 commencement of trial to serve as guarantee for expenses of the defendant in  
29 case the trial fails, and

30 (b) deposed to affidavit guaranteeing the Court that if the trial fails, he

1        ~~or she shall re-imburse the defendant of all the expenses the defendant~~  
2        incurred as a result of the case.

3                6. A private person who initiates or conduct a criminal  
4        proceedings under this Bill shall:

Rights and  
privileges of  
Private Prosecutor  
similar to those of  
Legal Officers

5                (a) enjoy all the rights and privileges applicable to Legal Officers  
6        appointed to the Office of the Attorney General of the Federation, while  
7        initiating or conducting criminal proceedings in a Court of law, and

8                (b) not be liable to any person for any action taken or statement  
9        made while initiating or prosecuting any criminal proceedings whether or  
10       not the trial was successful.

11               7. In order to realize the objectives of this Bill, the Attorney  
12       General of the Federation shall have power to make regulations, subject to  
13       the approval of both Houses of the National Assembly on any of the  
14       following matters:

Power to make  
regulation

15               (a) prescribes the Form and procedure for private person to initiate  
16       or conduct criminal proceedings,

17               (b) prescribes the offences to which this bill is applicable,

18               (c) determines the terms and conditions that must be met by a  
19       private person who is desirous of initiating or conducting criminal  
20       proceedings in a Court of law, and

21               (d) prescribes any other relevant matter necessary for achieving the  
22       objectives of the bill.

23               8. Unless otherwise stated by this Bill:

Interpretation

24       “Constitution” means the constitution of the Federal Republic of Nigeria,  
25       1999;

26       “Law enforcement agency” means any agency empowered by an Act of  
27       National Assembly to engage in criminal prosecution;

28       “Private Person” means individual or corporate entity excluding legal  
29       officers in federal ministries, departments or agencies;

30       “Prosecutor” means a legal practitioner who works in federal ministries,

1 departments or agencies and is responsible for starting legal proceedings and  
2 then proving in court that the defendant committed the offence he or she is  
3 alleged of.

Citation

4 9. The Bill may be cited as the Private Person Criminal Prosecution  
5 (Authorization) Bill, 2016.

#### EXPLANATORY MEMORANDUM

The Bill seek to authorize Private Person to Initiate or Conduct Criminal Proceedings against another person who is alleged to have committed a Crime or contravene any Act, and to provide for matters incidental thereto.