

NIGERIAN FINANCIAL INTELLIGENCE UNIT ACT, 2018

EXPLANATORY MEMORANDUM

This Act establishes the Nigerian Financial Intelligence Unit as the central body in Nigeria responsible for requesting, receiving, analysing and disseminating financial intelligence reports and other information to all law enforcement, security and intelligence agencies and other relevant authorities.

NIGERIAN FINANCIAL INTELLIGENCE UNIT ACT, 2018

Arrangement of Sections

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NIGERIAN FINANCIAL INTELLIGENCE UNIT ACT, 2018

A BILL

For

An Act to establish the Nigerian Financial Intelligence Unit as the central body in Nigeria responsible for receiving, requesting, analysing and disseminating financial intelligence reports and other information to law enforcement, security and intelligence agencies and other relevant authorities; and for related matters.

[]

Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I – OBJECTIVES OF THE ACT

Objectives.

1. The principal objectives of this Act are to –

- (a) establish the Nigerian Financial Intelligence Unit;
- (b) create the legal, institutional and regulatory framework to ensure transparency, effective and efficient management, administration and operation of the Nigerian Financial Intelligence Unit;
- (c) institutionalise best practices in financial intelligence management in Nigeria;
- (d) strengthen the existing system for combating money laundering and associated predicate offences, financing of terrorism and proliferation of weapons of mass destruction;
- (e) make provision for the Unit to exchange information with Financial Intelligence Institutions or similar bodies in other countries in matters relating to money laundering, terrorist financing activities and other predicate offences; and
- (f) to make the Unit an autonomous body.

PART II – ESTABLISHMENT OF NIGERIAN FINANCIAL INTELLIGENCE UNIT

Establishment of
Nigerian Financial
Intelligence Unit.

2. (1) There is established the Nigerian Financial Intelligence Unit (in this Act referred to as “the Unit”) charged with the responsibility for receiving, requesting, analysing and disseminating financial intelligence reports on money laundering, terrorist financing and other relevant information to law enforcement, security and intelligence agencies and other relevant authorities.
- (2) The Unit is independent and operationally autonomous in the discharge of its duties and performance of its functions under this Act.

(3) For purposes of institutional location, the Unit shall be domiciled in the Central Bank of Nigeria.

(4) The Unit shall serve as the Secretariat to the Inter-Ministerial Committee on Anti-Money Laundering (AML) or Counter-Financing Terrorism (CFT) in accordance with Intergovernmental Action Group Against Money Laundering in West Africa (GIABA) resolution and is responsible for the coordination of the activities of the Inter-Ministerial Committee (IMC).

(5) The Unit shall, in accordance with the provisions of regulation 4 (d) of the Terrorist Prevention (Freezing of International Terrorist Funds and Other Related Measures) Regulation, 2013 serve as the Secretariat to the Nigerian Sanctions Committee.

3. (1) The functions of the Unit are to –

Functions of the Unit.

(a) receive, request, analyse and disseminate financial intelligence reports on money laundering, terrorist financing and other relevant information to law enforcement, security and intelligence agencies and other relevant authorities;

(b) receive and collect currency transactions reports, suspicious transactions reports and any other information, including records of wire transfers relevant to money laundering, financing of terrorism, proliferation of weapons of mass destruction and associated predicate offences from financial institutions, designated non-financial institutions, law enforcement agencies, security agencies, anti-corruption agencies and relevant regulatory and administrative authorities;

(c) analyse, process, interpret and assess the information and reports received under paragraph (b) and undertake strategic and operational analysis in relation to them;

(d) disseminate spontaneously, and upon request, information and the results of analysis, related to money laundering, terrorist financing, proliferation of weapons of mass destruction, associated predicate offences or other unlawful activity has taken place, is taking place or is about to take place in a secured manner to law enforcement agencies, security agencies, regulatory agencies and other competent authorities;

(e) advise the supervisory authorities as it considers appropriate to combat money laundering, financing of terrorism, proliferation of weapons of mass destruction and associated predicate offences;

(f) maintain financial intelligence network with regulatory authorities, law enforcement and security agencies, anti-corruption agencies in Nigeria and financial intelligence units

- (g) assist in the identification of the proceeds of unlawful activities, the combating of money laundering, the financing of terrorism and proliferation of weapons of mass destruction, and related activities;
- (h) make information collected and analysed by it available to investigating, security and law enforcement agencies to facilitate the administration and enforcement of relevant laws;
- (i) exchange information with financial intelligence units, law enforcement agencies, anti-corruption agencies and competent authorities in other countries regarding money laundering, the financing of terrorism and proliferation of weapons of mass destruction, and associated predicate offences;
- (j) respond to requests for information by law enforcement and security agencies and other competent authorities;
- (k) maintain a comprehensive, secured financial intelligence database for the storage of information and intelligence to enable the Unit exchange the intelligence with law enforcement agencies, security agencies, regulatory authorities, anti-corruption agencies in Nigeria and financial intelligence units and competent authorities in other countries with mandate to fight financial crimes;
- (l) advise the Government, law enforcement and security agencies, supervisory authorities, and reporting institutions on the prevention of money laundering, the financing of terrorism and proliferation of weapons of mass destruction, and associated predicate offences;
- (m) develop and implement policies and procedures to guide the sharing of financial intelligence in a confidential and secured manner;
- (n) monitor compliance by reporting institutions, and advise supervisory authorities as to the discharge by those institutions with regards to their obligations under this Act;
- (o) monitor and undertake studies and risk assessments on emerging trends and patterns on money laundering, the financing of terrorism and proliferation of weapons of mass destruction, and associated predicate offences;
- (p) maintain comprehensive statistics on matters relevant to the effectiveness and efficiency of money laundering financing of terrorism and proliferation of weapons of mass destruction and

associated predicate offences, including statistics on suspicious transactions received and disseminated, money laundering and terrorist financing investigations, prosecutions and convictions, property frozen, seized and confiscated, mutual legal assistance or other international requests for cooperation;

(q) receive and provide feedback, general or specific, on the value of information reported by reporting institutions, regulatory authorities, law enforcement and security agencies and any other competent authority;

(r) direct the monitoring of accounts, transfers and any other means of payment or transfer of funds; and

(s) ~~do such other things as are necessary or expedient for the attainment of the objectives of the Unit under this Act.~~

4. (1) The Unit may -

Powers of the Unit.

(a) enter into memoranda of understanding or such other arrangements as will enable the Unit perform its functions effectively in Nigeria and with financial intelligence units and other competent authorities in other countries;

(b) collaborate with other regulatory authorities, law enforcement and security agencies, and self-regulatory bodies in Nigeria and other countries in combating money laundering, financing of terrorism and proliferation of weapons of mass destruction and associated predicate offences;

(c) review anti-money laundering, counter terrorism financing, proliferation of weapons of mass destruction counter-measures and associated predicate offences on a regular basis in consultation with regulatory authorities and competent authorities;

(d) disseminate, spontaneously and upon request, information and results of its analysis to relevant competent authorities and with financial intelligence units in other countries with or without a memorandum of understanding;

(e) receive, collect and analyse reports concerning transactions mentioned under the Money Laundering (Prohibition) Act, the Terrorism Prevention Act and any other relevant law;

Act No. 11, 2011.
Act No. 10, 2011

(f) demand statistics of cases, convictions and feedback on intelligence provided to law enforcement, security and anti-corruption agencies, regulatory authorities and other competent authorities;

- (g) request for and collect any other information as the Unit deems necessary in order to perform its functions under this Act; and
 - (h) do such other things as are necessary or expedient for the effective and efficient performance of its functions under this Act, any other relevant law, rule or regulation.
- (2) The Unit may access or request for additional information from relevant reporting institutions and regulatory authorities, law enforcement and security agencies, and anti-corruption agencies required to perform its functions.
 - (3) The Unit shall initiate, develop or improve on specific training programmes for its officers, reporting institutions, relevant supervisory authorities, law enforcement and security agencies, and other bodies charged with the responsibility for the prevention, detection, investigation, prosecution and adjudication of offences under any relevant law or regulation.
 - (4) The Unit shall, in developing the training programmes referred to in subsection (3), consult with the relevant regulatory authorities, law enforcement and security agencies.
 - (5) The Unit shall develop policies and guidelines on the security of information and procedure for the maintenance of confidentiality of information provided by competent authorities, deriving from foreign jurisdictions or reporting institutions or obtained in any way by the Unit.
 - (6) The Unit shall by regulations provide sanctions against officers who breach the security and confidentiality policies.

PART III -- MANAGEMENT AND STAFF OF THE UNIT

5. (1) There shall be for the Unit a Director to be appointed by the President, subject to confirmation by the Senate. Director of the Unit.
- (2) The Director shall -
 - (a) be the chief executive and accounting officer of the Unit;
 - (b) have at least a recognised degree in any of the areas of law, humanities, management or any of the social sciences with 15 years cognate experience;
 - (c) be responsible for the day-to-day administration and management of the Unit and the keeping of books and records of the Unit; and
 - (d) perform such other functions as are assigned to him under this Act or any other law.
- (3) The Director shall hold office for a term of five years in the first instance and may

be eligible for re-appointment for another term of five years and no more.

(4) The office of the Director shall become vacant where -

- (a) his term of office expires;
- (b) he resigns from his office by a notice in writing addressed to the President;
- (c) he becomes of unsound mind or incapable of carrying out his duties due to physical or mental illness;
- (d) has been declared bankrupt;
- ~~(e) has been convicted of a felony, fraud or any offence involving dishonesty; or~~
- (f) is guilty of gross misconduct relating to his duties;

(5) Notwithstanding the provisions of subsection (4), the President may remove the Director from office subject to confirmation by the Senate that the Director can no longer carry out his duties as provided under this Act.

6. (1) The Director may delegate any of his functions and powers under this Act to any competent officer of the Unit and may instruct any employee to perform any of the functions assigned to the Unit under this Act.

Delegation of powers by the Director.

(2) A delegation or instruction under subsection (1) shall be subject to the limitations or conditions that the Director may impose, and does not relieve the Director of the ultimate responsibility concerning the exercise of the delegated power or the performance of the assigned function.

(3) The Director may confirm, vary or revoke any decision taken by an employee in consequence of a delegation or instruction under subsection (1).

7. (1) The Unit may appoint directly such professional, technical and other staff as it may consider necessary to assist the Unit in the effective and efficient performance of its functions under this Act.

Other staff of the Unit.

(2) The staff of the Unit appointed under subsection (1) shall be appointed on such terms and conditions as are applicable to law enforcement agencies, security agencies and related services in Nigeria.

(3) The Unit shall, with the approval of the Minister and other appropriate authorities, make staff regulations and determine conditions of service, including allowances, pensions and other benefits, and disciplinary control, as are appropriate for its employees.

(4) The Unit shall publish regulations made under subsection (3) in such manner as it may determine.

(5) The Unit shall, for the purpose of achieving maximum efficiency in the performance of its functions set out in this Act, institute schemes for the training of its staff.

8. (1) A person shall not be appointed to perform any of the functions of the Unit unless-- Security screening of employees of the Unit.

(a) the information with respect to that person has been gathered in a security screening by the State Security Service; and

(b) the Unit, after evaluating the information gathered, is satisfied that the person may be so appointed or seconded without the possibility that he might be a security risk or that he might act in any way prejudicial to the objectives or functions of the Unit.

(2) The Director may, at any time and in line with the staff regulations after consultation with the Board, subject a person referred to in subsection (1) to further security screening as contemplated in subsection (1) (a).

9. (1) Service in the Unit is pensionable service for purposes of the Pension Reform Act, and employees of the Unit are, in respect of their services, entitled to pensions and other retirement benefits as are enjoyed by persons holding equivalent grades in the Public Service of the Federation. Service in the Unit to be pensionable.
Act No. 4, 2014.

(2) Notwithstanding the provisions of subsection (1), nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

(3) For the purpose of the application of the Pension Reform Act, any power exercisable by a Minister or other authority of the Government of the Federation (not being the power to make regulations under the Pension Reforms Act) are vested in, and is exercisable by, the Director. Act No. 4, 2014

10. (1) The Unit shall establish departments, special units and technical units for the effective and efficient performance of its functions and exercise of its powers under this Act. Establishment of departments, special units and technical units.

(2) All the departments, special units and technical units shall discharge such duties as may be required in the exercise, performance or carrying out of the powers, functions and duties of the Unit under this Act.

PART IV – FINANCIAL PROVISIONS

11. (1) There is established for the Unit, a fund (in this Act referred to as “the Fund”) into which shall be credited - Fund of the Unit.

(a) take off grants and other subventions received from the Government of the Federation;

(b) budgetary allocations approved by the National Assembly for the purpose of the Unit; and

- (c) grants, gifts or donations from international organisations and donor agencies, provided that the terms and conditions attached to a grant, gift or donation are not inconsistent with the functions of the Unit and shall be disclosed to the National Assembly.

(2) The Fund shall be managed in accordance with financial regulations applicable in the Public Service of the Federation.

12. The Unit may apply the proceeds of the Fund for the –

Expenditure of the Unit.

- (a) cost of administration of the Unit;
- (b) reimbursement of members of any committee set up by the Unit ~~for such expenses as may be authorised in accordance with the~~ rates approved by the Government of the Federation;
- (c) payments of salaries, fees and other remunerations or allowances, payable to employees, experts or professionals appointed by the Unit;
- (d) the maintenance of any property acquired or vested in the Unit;
and
- (e) any matter connected with all or any of the functions of the Unit under this Act.

13. (1) The Unit shall, not later than 30th August in each financial year, prepare and present to the National Assembly a statement of estimates of income and expenditure for the following financial year.

Estimates, accounts and audit.

- (2) Notwithstanding the provisions of subsection (1), the Unit may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimates of income and expenditure to the National Assembly for approval.
- (3) The Unit shall keep proper and regular accounts and other records of money received and paid by the Unit and of the several purposes for which the money has been received or paid, and of its assets, credits and liabilities.
- (4) The Unit shall do all things necessary to ensure that all payments out of its Fund and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditures incurred by the Unit.
- (5) The Unit shall, within the first four months of each financial year, submit its accounts for audit to auditors appointed by the Unit from the list and in accordance with guidelines approved by the Auditor-General for the Federation.

14. The Unit shall, not later than six months after the end of each year –

Annual report.

- (a) submit to the National Assembly a report on the activities of the Unit, including evaluation reports received and of money laundering and terrorist financing trends and its administration during the preceding year; and
- (b) include in the report, the audited accounts of the Unit and the auditor's comments on them for the preceding year.

PART V – SUPERVISION AND MONITORING BY THE UNIT

15. (1) The Unit shall hold a secured central database of all reporting institutions.

Database of reporting institutions.

(2) In order to populate and maintain the database referred to in subsection (1) -

- (a) supervisory authorities shall provide to the Unit details of every reporting institution supervised by them; and
- (b) self-regulatory organisations shall provide details of every member registered by them for the purposes of the Money Laundering (Prohibition) Act and Terrorism (Prevention) Act.

Act No. 11, 2011.
Act No. 10, 2011.

(3) The details referred to in subsection (2) are, where applicable, the-

- (a) registered name of the institution;
- (b) address of the head office of the institution;
- (c) addresses of branches of the institution;
- (d) nature of the business of the institution;
- (e) beneficial owner of the institution;
- (f) contact details for the institution;
- (g) number of employees of the institution;
- (h) date on which they were registered; and
- (i) name of the individual within the institution who is responsible for making reports of the type referred to in subsection (2) (a).

(4) Where the data referred to in subsection (3) is held in a computer database it shall be transmitted to the Unit in such a format as to be transferable to a similar computer database within the Unit.

16. (1) The Director may, in line with operational procedures of the Units, issue a directive placing an account under surveillance if he is satisfied that the account relates to a financial intelligence inquiry that is being conducted by the Unit. Account surveillance.

(2) The directive referred to in subsection (1) may be issued where-

(a) the amount is, or related to, an account that has been the subject of a report referred to in the Money Laundering (Prohibition) Act;

Act No. 11, 2011.

(b) the account is or related to, an account that has been the subject of a report referred to in section 14 of the Terrorism (Prevention) Act;

Act No. 10, 2011.

(c) the account is, or is related to an account, that is subject to an inquiry in relation to money laundering, the financing of terrorism, the proliferation of weapons of mass destruction or associated predicate offences being conducted on behalf of a foreign financial intelligence Unit; or

(d) there are reasonable grounds to believe that the owner of the account or any other person connected to the account is suspected to have --

(i) committed a money laundering offence within the provisions of the Money Laundering (Prohibition) Act,

Act No. 11, 2011.

(ii) committed a terrorism financing offence under the Terrorism (Prevention) Act,

Act No. 10, 2011.

(iii) property constituting or derived from unlawful activity,

(iv) property constituting the instrumentalities of unlawful activity, or

(v) derived a benefit from unlawful activity; or

(e) there are reasonable grounds for believing that material which may be provided in compliance with the directive is likely to be of substantial value, whether or not by itself, to the financial intelligence inquiry for the purposes of which the directive is sought.

17. (1) An account surveillance directive referred to in section 16 of this Act is an instruction to a financial institution to -- Meaning of account surveillance directive.

(a) subject a specified account or accounts held in a financial institution under close scrutiny by that institution;

(c) report any transaction concerning that account to the Unit in the

manner, place and time as may be specified in the directive; and

- (c) provide account information of the description specified in the directive to an appropriate officer of the Unit in the manner, place and time stated in the directive.

- (2) An account surveillance directive shall not exceed a period of 90 days commencing from the date of the directive.

18. (1) A person who --

- (a) makes a disclosure which is likely to be detrimental to an investigation or a financial intelligence inquiry under this Act; or

Disclosure of
confidential
information.

- (b) falsifies, conceals, destroys or disposes of, or causes or permits the falsification, concealment, destruction or disposal of documents which are relevant to an inquiry by the Unit or a financial intelligence inquiry under this Act, commits an offence and is liable on conviction --

- (a) in the case of an individual to a fine of not less than N500,000 or imprisonment for a term of not less than two years or to both; and

- (b) in the case of a financial institution or other body corporate, to a fine of not less than N50,000,000.

- (2) An officer of the Unit who discloses or causes to be disclosed any information which may have come to his possession during the course of his duties in the Unit or is detrimental to an inquiry or a financial intelligence inquiry under this Act, commits an offence.

- (3) An officer of the Unit who contravenes subsection (2), commits an offence and is liable on conviction to imprisonment for a term of not less than five years without option of fine and dismissal from office.

19. (1) The Unit shall, conduct regular inspections of reporting institutions, jointly with the relevant regulatory authority or by itself, to ensure their compliance with this Act, the Money Laundering (Prohibition) Act and the Terrorism (Prevention) Act.

Joint inspections by the
Unit and relevant
supervisory authorities.

Act No. 11, 2011.

- (2) Any inspection referred to subsection (1) shall take place at normal working hours.

Act No. 10, 2011.

- (3) The Unit shall obtain copies and extracts from any recorded information found under subsection (1) which it considers relevant for the performance of its analytical functions or inquiries into the transactions of an entity or a subject.

- (4) An officer may exercise powers under this section only in connection with the performance by the Unit of its functions under this Act.

20. (1) In carrying out the joint inspection referred to in section 19 of this Act, the officer of the Unit together with the relevant regulatory authorities shall -- Entry and inspection.

- (a) enter the premises;
- (b) inspect the premises;
- (c) observe the carrying on of business or professional activities on the premises;
- (d) inspect any recorded information found on the premises;
- (e) require any person on the premises to provide an explanation of any recorded information or to state where it may be found;
or
- (f) inspect any cash found on the premises.

(2) Copies and extracts from any recorded information found under subsection (1) may be made in the course of carrying out the inspection under section 19 of this Act.

(3) Subsection (1) (d), (e) and (2) do not apply to recorded information where a person would be entitled to refuse to disclose on grounds of legal privilege.

(4) An officer may exercise powers under this section only in connection with the performance by the Unit of its functions under this Act.

(5) In this section, "premises" means any premises other than premises used solely as a dwelling.

21. (1) The Unit shall ensure that all details referred to in section 15 (2) of this Act are fit for the purpose for which they were intended.

Maintenance of reporting standards.

(2) In the event that the details mentioned in subsection (1) is found to be inadequate in any respect, the Unit shall reject it.

PART VI – APPLICATION OF COUNTER – MEASURES AND RISK MANAGEMENT

22. The Unit shall advise supervisory authorities on compliance with the Financial Action Task Force's counter-measures.

Application of Financial Action Task Force's counter-measures

23. (1) The Unit is responsible for the identification, assessment and compilation of reports on risks of money laundering, terrorist financing and proliferation of weapons of mass destruction.

Conduct of risk assessment.

(2) The Unit shall -

- (a) consult with relevant Government agencies and reporting institutions in developing enforcement measures, guidelines and policies necessary for the mitigation of the risks of money

laundering, terrorist financing and proliferation of weapons of mass destruction; and

- (b) advise relevant supervisory authorities on the application of risk-based approach by reporting entities in the conduct of customer due diligence depending on identified risks in money laundering, terrorist financing and proliferation of weapons of mass destruction; risks in relation to the customer, transaction, country or geographical area and product and services involved in the business transactions.

PART VII - LEGAL PROCEEDINGS

24. Subject to the provisions of this Act, the provisions of the Public Officers' Protection Act shall apply in relation to any suit instituted against the Director or any member of staff of the Unit.

Limitation of suits
against the Unit.

Cap. P41, LFN, 2004.

PART VIII - MISCELLANEOUS

25. (1) A person or institution who has an obligation to report under this Act and –

Administrative
penalties.

(a) breaches any of the requirements of this Act; or

(b) fails to comply with any notice, order or direction given by the Unit pursuant to the provisions of this Act,

is liable to pay such administrative penalty as may be prescribed under regulations made under this Act.

(2) The Unit shall not impose a penalty on a person or an entity under subsection (1) where there are reasonable grounds to show that the person took all reasonable steps and exercised all due diligence to ensure compliance.

(3) In deciding whether a person or entity has failed to comply with a requirement of this Act, the Unit shall consider whether the person or entity followed any relevant guidance which was at the time issued and approved and published in a manner approved by the Unit.

(4) Where the Unit decides to impose a penalty under this section, the affected person or entity shall be notified of the –

(a) decision to impose penalty and the amount;

(b) reasons for imposing the penalty;

(c) right of review; and

(d) right to appeal against the decision.

(5) A penalty imposed under this section is payable to the Unit not later than two working days from the date of the award an interest of 10% shall accrue each day once the award is due for payment and not discharged.

(6) The procedures set out in section 26 of this Act shall apply in relation to a review or an appeal under this section.

(7) For the purpose of this section, "appropriate penalty" means effective, proportionate and dissuasive sanction.

26. (1) A person who is the subject of a decision of the Unit to impose administrative penalties, may by notice to the Unit request for review of the decision. Review and appeal procedures.

(2) The Unit shall review the decision if the request for review is submitted within 30 days from the date of the decision.

(3) The Unit may confirm, revoke or vary the decision and take such further steps, if any, as may be considered appropriate in the circumstance.

(4) The review under subsection (2) of this section shall be concluded within 14 working days but where the Unit is unable to conclude the review within 14 working days, the decision is deemed to have been confirmed subject to an appeal under subsection (5).

(5) An appeal from a person affected by the review of the decision of the Unit imposing administrative penalties shall lie to the Federal High Court.

27. (1) A person who willfully obstructs the Unit or any authorised officer in the performance of its functions or of its powers conferred by this Act or any other law, commits an offence and is liable, on conviction – Obstruction of the Unit or authorised officer.

(a) in the case of an individual, to imprisonment for a term of not less than three years or a fine of N200,000.00 for every day the obstruction persists; and

(b) in the case of an entity, a fine of N1,000,000.00 for every day that the obstruction persists.

(2) Any other regulatory authority may, on the recommendation of the Unit, withdraw the licence of any person or entity who contravenes the provisions of subsection (1).

28. (1) The Minister may make regulations as are necessary or expedient for the efficient implementation of the provisions of this Act. Regulations and guidelines.

(2) The Unit shall, with the approval of the Board, issue guidelines as may be necessary for the discharge, performance or exercise of any of the duties, functions or powers of the Unit under this Act.

29. (1) The administrative body known as the Nigerian Financial Intelligence Unit (in this section referred to as the "dissolved Unit") established under the Economic and Financial Crimes Commission Act is dissolved and any reference in any other law Dissolution of the Nigerian Financial Intelligence Unit.

or document to the dissolved Unit shall be construed as a reference to the Unit.

- (2) Without prejudice to section 6 of the Interpretation Act, the dissolution of the dissolved Unit specified in subsection (1) does not affect anything done by the dissolved Unit. Cap. 123, LFN, 2004.

- (3) Every regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done by the dissolved Unit, if in force at the commencement of this Act, shall continue to be in force and have effect as if made, issued, given or done by the Unit established under this Act.

30. (1) Subject to the approval of the Director, any person who immediately before the commencement of this Act was a staff of the Nigerian Financial Intelligence Unit may continue in office subject to the report of the security screening referred to in section 8 (1) of this Act. Transitional and savings provisions.

- (2) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Act, is vested in the dissolved Unit shall, by virtue of this Act, be vested in the Unit established under this Act.

- (3) Every reference to the dissolved Unit, Director or any person under its control or a document issued in the name of the dissolved Unit, Director or employee of the dissolved Unit shall be read, unless the context otherwise requires, as a reference to the Unit, Board, Director, Chairman, or an employee of the Unit established under this Act, as the case may be.

- (4) All rights, obligations and liabilities which, immediately before the commencement of this Act, were vested in or imposed on the dissolved Unit shall be the rights, obligations and liabilities of the Unit established under this Act;

- (5) Any proceeding or cause of action, pending or existing immediately before the commencement of this Act, by or against the dissolved Unit in respect of any right, interest, obligation or liability of the Unit may be continued or commenced, as the case may be.

- (6) Any determination of a court of law, tribunal or other body or person may be enforced by or against the Unit established under this Act to the same extent that such proceeding, cause of action or determination might have been commenced, continued or enforced by or against the Unit.

- (7) As from the commencement of this Act, any disciplinary proceeding pending or existing against any employee of the dissolved Unit shall be continued and completed by the Unit established under this Act.

31. (1) The Economic and Financial Crimes Commission (Establishment) Act No. 1, 2004 is amended by deleting sections 1 (2) (c) and 6 (1) of the Act. Consequential amendments.

- (2) The Money Laundering (Prohibition) Act No. 11, 2011 is amended by substituting for the word, "Commission" in sections 2, 5, 6, 8, 10 and 13, the words, "Nigerian

Financial Intelligence Unit”.

- (3) The Money Laundering (Prohibition) Act No. 11, 2011 and the Terrorism (Prevention) Act No. 10, 2011 are amended by substituting for the words, “Chairman of the Economic and Financial Crime Commission”, the words, “Director of the Nigerian Financial Intelligence Unit” wherever they appear.

32. (1) In this Act -

Interpretation.

“account” means a facility or an arrangement by which a financial institution does any one or more of the following-

- (a) accepts deposits of currency;
- ~~(b) allows withdrawals of currency or transfers into or out of the account;~~
- (c) pay cheques or payment orders drawn on a financial institution or cash dealers by, or collects cheques or payment orders on behalf of a person; or
- (d) supplies a facility or an arrangement for a safe deposit box;

“bank” has the meaning given to it in the Banks and Other Financial Institutions Act Cap. B3 LFN, 2004;

“beneficiary” and “beneficial owner” have the same meaning applicable to them in the Money Laundering (Prohibition) Act No. 11, 2011 and Regulations made under the Act;

“business relationship” has the same meaning applicable to it in the Money Laundering (Prohibition) Act No. 11, 2011 and Regulations made under the Act;

“competent authority” means any Unit or institution concerned with combating money laundering and terrorist financing under this Act or under any other law or regulation;

“customer” means -

- (a) the person for whom an account, right or obligation under a transaction has been assigned or transferred;
- (b) a person who is authorised to conduct a transaction or control an account;
- (c) a person who attempts to take any of the actions referred to in paragraph (a) or (b); or
- (d) such other persons as may be prescribed by regulations made under this Act;

“currency” means the coin and paper money of Nigeria or of a foreign country that is designated as legal tender or is customarily used and accepted as a medium of exchange;

“data” means a representation of information, knowledge, facts or concepts;

“designated non- financial institutions” has the same meaning applicable to it in the Money Laundering (Prohibition) Act, No. 11, 2011 and Regulations made under the Act;

“entity” means a person, group, trust, partnership, fund or any other association or organisation, whether corporate or unincorporated or partnership, for the purpose of providing a product or service either for profit or non-profit;

“false declaration” refers to a misrepresentation of –

(a) the value of the currency or bearer of negotiable instrument being transported; and

(b) other relevant data required for submission in the declaration or otherwise requested by the authorities;

“Financial Action Task Force” means the inter-governmental body created in 1989 under the aegis of the European Union G8 to generate the necessary political will to bring about legislative and regulatory reforms for the development and promotion of national and international policies to combat money laundering and terrorism financing;

“Financial Institution” has the same meaning applicable to it in the Money Laundering (Prohibition) Act, No. 11, 2011 and Regulations made under the Act;

“funds” refers to assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to or interest in such assets, including but not limited to bank credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts or letters of credit;

“immediate stop” means to on the spot halt the transfer, conversion, disposal, alteration, use of or dealing with funds in any way that would result in change of volume, amount or location, ownership or possession, character, destination or movement of fund or other assets;

“Minister” means the Attorney – General of the Federation and Minister of Justice.

“money laundering” has the meaning given to it in the Money Laundering (Prohibition) Act No. 11, 2011;

“other regulatory authorities” means the Central Bank of Nigeria, the Securities and Exchange Commission and the National Insurance Commission;

“proceeds of an offence” means property –

- (a) wholly derived or realised, whether directly or indirectly, from the commission of the offence; or
- (b) partly derived or realised, whether directly or indirectly, from the commission of an offence, whether the property is situated within or outside Nigeria; or whether or not a person has been convicted of the offence;

“proliferation of weapons of mass destruction” means the illegal production and distribution of weapons of mass destruction;

“property” means assets of every kind, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible and legal documents or instruments evidencing title to or interest in such assets;

“report” means an account or statement describing in details, an event, situation, suspicious or unusual transaction or the like, usually as the result of observation or inquiry pursuant to the provisions of this Act or any other relevant law or regulation;

“self-regulatory body” is a body that represents a profession and which is made up of members of that profession and -

- (a) has a role in regulating the persons that are qualified to enter and who practise the profession; and
- (b) to some extent, performs supervisory or monitoring functions;

“supervisory authorities” has the same meaning applicable to it in the Money Laundering (Prohibition) Act No. 11, 2011 and Regulations made under the Act;

“suspicious” means a matter which is beyond mere speculations and based on some foundation;

“suspicious transaction” means a transaction that falls within a description of transactions in section 6 of the Money Laundering (Prohibition) Act No. 11, 2011;

“terrorism”, “terrorist”, “terrorist act”, “terrorist financing” and “terrorist organisation” shall have the respective meanings ascribed to them under the Terrorism (Prevention) Act;

“Unit” means the Nigerian Financial Intelligence Unit established under section 2 (1) of this Act; and

“wire transfer” has the same meaning applicable to it in the Money Laundering (Prohibition) Act No. 11, 2011 and Regulations made under the Act.

- (2) A word or phrase not defined in this Act but defined in the Money Laundering (Prohibition) Act No. 11, 2011, or the Terrorism (Prevention) Act No. 10, 2011 has

the meaning given to it in those Acts.

33. This Act may be cited as the Nigerian Financial Intelligence Unit Act, 2018.

Citation.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

18 DAY OF JUNE, 2018

Schedule to the Nigerian Financial Intelligence Unit Bill, 2018

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Nigerian Financial Intelligence Unit Bill, 2018.	An Act to establish the Nigerian Financial Intelligence Unit as the central body in Nigeria responsible for receiving, requesting, analysing and disseminating financial intelligence reports and other information to law enforcement, security and intelligence agencies and other relevant authorities; and for related matters.	This Bill establishes the Nigerian Financial Intelligence Unit as the central body in Nigeria responsible for requesting, receiving, analysing and disseminating financial and other information to all law enforcement and security agencies and other relevant authorities.	7 th March, 2018	8 th March, 2018

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


MOHAMMED ATABA SANI-OMOLORI

Clerk to the National Assembly

18th Day of June, 2018

I ASSENT


MUHAMMADU BUHARI, GCFR

President of the Federal Republic of Nigeria

26th Day of June, 2018