

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A SCHEME FOR COMPENSATION FOR CRIMINAL INJURIES AND FOR MATTERS CONNECTED THEREWITH

*Sponsored by Senator Emmanuel Andy Uba*

[ ] Commencement

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

1                   1.-(1) The Minister of Justice shall make arrangements for the  
2                   payment of compensation to, or in respect of, persons who have sustained  
3                   one or more criminal injuries.

The Criminal  
Injuries  
Compensation  
Scheme

4                   (2) Any such arrangements shall include the making of a scheme  
5                   providing, in particular, for:

6                   (a) The circumstances in which awards may be made including but  
7                   not limited to:

8                   (i) arson,

9                   (ii) assault,

10                  (iii) cruelty to children,

11                  (iv) kidnaping,

12                  (v) murder,

13                  (vi) rape,

14                  (vii) robbery,

15                  (viii) terrorism,

16                  (ix) unauthorised use of explosives; and

17                  (b) the categories of persons to whom awards may be made.

18                  (3) The scheme shall be known as the "Criminal Injuries  
19                  Compensation Scheme hereinafter referred to as the Scheme".

20                  (4) The scheme shall take effect whether or not an arrest or a

1 conviction has been secured.

2 (5) Where a conviction has been secured, the convict shall bear the  
3 cost of the compensation payable to the victim.

Basis on which  
compensation is  
to be calculated

4 2.-(1) The amount of compensation payable under an award shall be  
5 determined in accordance with the provisions of the Scheme.

6 (2) Provision shall be made for:

7 (a) a standard amount of compensation, determined by reference to  
8 the nature of the injury;

9 (b) in such cases as may be specified, an additional amount of  
10 compensation calculated with respect to loss of earnings;

11 (c) in such cases as may be specified, an additional amount of  
12 compensation calculated with respect to special expenses; and

13 (d) in cases of fatal injury, such additional amounts as may be  
14 specified or otherwise determined in accordance with the Scheme.

15 (3) Provision shall be made for the standard amount to be determined:

16 (a) in accordance with a table (lithe Tariff<sup>n</sup>) prepared by the Minister  
17 of Justice as part of the Scheme and such other provisions of the Scheme as may  
18 be relevant; or

19 (b) where no provision is made in the Tariff with respect to the injury  
20 in question, in accordance with such provisions of the Scheme as may be  
21 relevant.

22 (4) The Tariff shall show, in respect of each description of injury  
23 mentioned in the Tariff, the standard amount of compensation payable in  
24 respect of that description of injury.

25 (5) An injury may be described in the Tariff in such a way, including  
26 by reference to the nature of the injury, its severity or the circumstances in  
27 which it was sustained, as the Minister of Justice considers appropriate.

28 (6) The Minister of Justice may at any time alter the Tariff:

29 (a) by adding to the descriptions of injury mentioned there;

30 (b) by removing a description of injury;

1 (c) by increasing or reducing the amount shown as the standard  
2 amount of compensation payable in respect of a particular description of  
3 injury; or

4 (d) in such other way as he considers appropriate.

5 (7) The Scheme may:

6 (a) provide for amounts of compensation not to exceed such  
7 maximum amounts as may be specified;

8 (b) include such transitional provision with respect to any  
9 alteration of its provisions relating to compensation as the Minister of  
10 Justice considers appropriate.

11 3.-(1) The Scheme may, in particular, include provision:

Claims and  
awards

12 (a) as to the circumstances in which an award may be withheld or  
13 the amount of compensation reduced;

14 (b) for an award to be made subject to conditions;

15 (c) for the whole or any part of any compensation to be repayable in  
16 specified circumstances;

17 (d) for compensation to be held subject to trusts, in such cases as  
18 may be determined in accordance with the Scheme;

19 (e) requiring claims under the Scheme to be made within such  
20 periods and the method of application as may be specified by the Scheme;  
21 and

22 (f) imposing other time limits.

23 (2) Where, in accordance with any provision of the Scheme, it falls  
24 to one person to satisfy another as to any matter, the standard of proof  
25 required shall be that applicable in civil proceedings.

26 (3) Where, in accordance with any provision of the Scheme made  
27 by virtue of subsection (1) (c) any amount falls to be repaid it shall be  
28 recoverable as a debt due to the Federal Government.

29 (4) The Scheme shall include provision for claims for  
30 compensation to be determined and awards and payments of compensation

1 to be made:

2 (a) if a Scheme manager has been appointed, by persons appointed for  
3 the purpose by the Scheme manager; but

4 (b) otherwise by persons ("claims officers") appointed for the purpose  
5 by the Minister of Justice.

6 (5) A claims officer:

7 (a) shall be appointed on such terms and conditions as the Minister of  
8 Justice considers appropriate; but

9 (b) shall not be regarded as having been appointed to exercise  
10 functions of the Minister of Justice or to act on his behalf.

11 (6) No decision taken by a claims officer shall be regarded as having  
12 been taken by, or on behalf of, the Minister of Justice.

13 (7) If a Scheme manager has been appointed:

14 (a) he shall not be regarded as exercising functions of the Minister of  
15 Justice or as acting on his behalf; and

16 (b) no decision taken by him or by any person appointed by him shall  
17 be regarded as having been taken by, or on behalf of, the Minister of Justice.

Reviews

18 4.-(1) The Scheme shall include provision for the review, in such  
19 circumstances as may be specified, of any decision taken in respect of a claim  
20 for compensation.

21 (2) Any such review must be conducted by a person other than the  
22 person who made the decision under review.

Appeals

23 5.-(1) The Scheme shall include provisions:

24 (a) for rights of appeal against decisions taken on reviews under  
25 provisions of the Scheme made by virtue of section 4; and

26 (b) for such appeals to be determined by persons ("adjudicators")  
27 appointed for the purpose by the Minister of Justice.

28 (2) If a Scheme manager is appointed, his responsibilities shall not  
29 extend to any provision of the Scheme made by virtue of this section except so

1 far as the provision relates to functions of persons mentioned in subsection  
2 (3)(d)(ii).

3 (3) The Scheme may include provision:

4 (a) for adjudicators to be appointed as members of a body having  
5 responsibility (in accordance with the provisions of the Scheme) for dealing  
6 with appeals;

7 (b) for the appointment by the Minister of Justice of one of the  
8 members of that body to be its chairman;

9 (c) for the appointment of staff by the Minister of Justice for the  
10 purpose of administering those provisions of the Scheme which relate to the  
11 appeal system;

12 (d) for specified functions in relation to appeals to be conferred on:

13 (i) claims officers; or

14 (ii) persons appointed by the Scheme manager as mentioned in  
15 section 3(4)(a).

16 (4) Any person appointed under this section by the Minister of  
17 Justice:

18 (a) shall be appointed on such terms as the Minister of Justice  
19 consider appropriate; but

20 (b) shall not be regarded as having been appointed to exercise  
21 functions of the Minister of Justice or to act on his behalf.

22 (5) No decision taken by an adjudicator shall be regarded as having  
23 been taken by, or on behalf of, the Minister of Justice.

24 (6) The Scheme shall include provision as to the giving of advice  
25 by adjudicators to the Minister of Justice.

26 (7) The Minister of Justice may at any time remove a person from  
27 office as an adjudicator if satisfied that:

28 (a) he has been convicted of a criminal offence;

29 (b) he has become bankrupt or has had his estate sequestrated or  
30 has made an arrangement with, or granted a trust deed for, his creditors; or

1 (c) he is otherwise unable or unfit to perform his duties.

2 (8) The power conferred by section 3(1) (a) to provide for the  
3 reduction of an amount of compensation includes power to provide for a  
4 reduction where, in the opinion of the adjudicator or adjudicators determining  
5 an appeal, the appeal is frivolous or vexatious.

Reports, accounts  
and financial  
records

6 6.-(1) The Scheme shall include provisions:

7 (a) for such person or persons as the Minister of Justice considers  
8 appropriate to make an annual report to him; and

9 (b) for the report:

10 (i) to be made as soon as possible after the end of each financial year;

11 and

12 (ii) to cover the operation of, and the discharge of functions conferred  
13 by, the Scheme during the year to which it relates.

14 (2) The Minister of Justice shall through the President lay before each  
15 House of the National Assembly a copy of every such annual report.

16 (3) The Scheme shall also include provisions:

17 (a) for such person or persons as the Minister of Justice considers  
18 appropriate:

19 (i) to keep proper accounts and proper records in relation to the  
20 accounts;

21 (ii) to prepare a statement of accounts in each financial year in such  
22 form as the President may direct; and

23 (b) requiring such a statement of accounts to be submitted to the  
24 Minister of Justice at such time as the Minister of Justice may direct.

25 (4) Where such a statement of accounts is submitted to the Minister of  
26 Justice, he shall send a copy of it to the Accountant General of the Federation  
27 and the Auditor General for the Federation as soon as is reasonably practicable.

28 (5) The Accountant General of the Federation and Auditor General for  
29 the Federation shall:

30 (a) examine, certify and report on any statement of accounts sent to

1 him under subsection (4); and

2 (b) lay copies of the statement and of his report before each House  
3 of the National Assembly.

4 (6) In this section "financial year" means the period beginning with  
5 the day on which this section comes into force and ending with the following  
6 31st December and each successive period of 12 months.

7 7.-(1) Every assignment of, or charge on, an award and every  
8 agreement to assign or charge an award shall be void.

Inalienability of  
awards

9 (2) On the bankruptcy of a person in whose favour an award is  
10 made, the award shall not pass to any trustee or other person acting on behalf  
11 of his creditors.

12 8.-(1) The Minister of Justice may pay such remuneration,  
13 allowances or gratuities to or in respect of claims officers and other persons  
14 appointed by him under this Act (other than adjudicators) as obtained in the  
15 Civil Service of the Federation.

Financial  
provisions

16 (2) The Minister of Justice may pay, or make such payments  
17 towards the provision of, such remuneration, and allowances to or in respect  
18 of adjudicators, as obtained in the general guidelines of the Civil Service of  
19 the Federation.

20 (3) The Minister of Justice shall not make any payment by way of  
21 compensation for loss of office to any adjudicator who is removed from  
22 office under section 5(7).

23 (4) Sums required for the payment of compensation in accordance  
24 with the Scheme shall be provided by the Minister of Justice out of money  
25 provided by the National Assembly.

26 (5) Where a Scheme manager has been appointed, the Minister of  
27 Justice may make such payments to him, in respect of the discharge of his  
28 functions in relation to the Scheme, as obtained in the Civil Service of the  
29 Federation.

30 (6) Any expenses incurred by the Minister of Justice under this Act

1 shall be paid out of money provided by the National Assembly.

2 (7) Any sums received by the Minister of Justice under any provision  
3 of the Scheme made by virtue of section 3(1) (c) shall be paid by him into the  
4 Consolidated Revenue Fund of the Federation.

National Assembly  
Control

5 9.-(1) Before making the Scheme, the Minister of Justice shall  
6 through the President lay a draft of it before the National Assembly.

7 (2) The Minister of Justice shall not make the Scheme unless the draft  
8 has been approved by a resolution of each House.

9 (3) Before making any alteration to the Tariff or to any provision of  
10 the Scheme as to:

11 (a) any additional amount mentioned in section 2(2),

12 (b) the circumstances in which compensation may be payable with  
13 respect to a criminal injury of a kind for which no provision is made by the  
14 Tariff,

15 (c) the calculation of compensation in respect of multiple injuries,

16 (d) compensation payable in respect of children conceived as a result  
17 of rape,

18 (e) the circumstances in which an award may be withheld or  
19 compensation reduced,

20 (f) any limit on compensation imposed by a provision made by virtue  
21 of section 2(7)(a), the Minister of Justice is required to lay through the  
22 President a draft before the National Assembly.

23 (4) Before making any alteration to a provision of the Scheme which:

24 (a) gives a right of appeal, or

25 (b) specifies the circumstances in which an appeal is to be dealt with  
26 by a hearing, the Minister of Justice is required to lay through the President a  
27 draft before the National Assembly.

28 (5) Where the Minister of Justice is required to lay a draft before the  
29 National Assembly under subsection (3) or (4) he shall not give effect to the



1 proposal concerned unless the draft has been approved by a resolution of  
2 each House.

3 (6) Whenever any other provision of the Scheme is altered, the  
4 Minister of Justice shall through the President lay a statement of the altered  
5 provision before the National Assembly.

6 (7) If any statement laid before either House of The National  
7 Assembly under subsection (6) is disapproved by a resolution of that House  
8 passed before the end of the period of 30 days beginning with the date on  
9 which the statement was laid, the Minister of Justice shall:

10 (a) make such alterations in the Scheme as appear to him to be  
11 required in the circumstances; and

12 (b) before the end of the period of 30 days beginning with the date  
13 on which the resolution was made, through the President lay a statement of  
14 those alterations before the National Assembly.

15 (8) In calculating the period of 30 days mentioned in subsection  
16 (7), any period during which the National Assembly is dissolved or during  
17 which both Houses are adjourned for more than three days shall be  
18 disregarded.

19 **10.** In this Act unless the context otherwise requires:

Interpretation

20 "convict" includes sponsors and persons that aided and abetted the crime;

21 "President" means the President of the Federal Republic of Nigeria.

22 **11.** This Bill may be cited as the Criminal Injuries Compensation  
23 Bill, 2016.

Short Title

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish a Criminal Injuries Compensation Scheme for victims of violent crimes and/or their families.

