

UNCLAIMED FUNDS BILL, 2016

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# A BILL

## FOR

AN ACT TO PROVIDE FOR THE REPORTING, MANAGING AND ENFORCING OF UNCLAIMED FUNDS; TO ESTABLISH THE UNCLAIMED FUNDS REGULATORY AUTHORITY AND THE UNCLAIMED FUNDS REGULATORY AUTHORITY TRUST FUND; AND OTHER PURPOSES CONNECTED THERETO

*Sponsored by Senator Robert Ajayi Boroffice*

[ ] Commencement

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

### PART I - PRELIMINARY

1. This Bill may be cited as the Unclaimed Funds Bill, 2016.

Short title

2. In this Bill, unless the context otherwise requires-

Interpretation

"Apparent owner" means the person whose name appears on the records of the holder as the person entitled to funds held, issued, or owing by the holder;

"Authority" means the Unclaimed Funds Regulatory Authority established by section 44;

"Bank" has the meaning assigned to it in the Banks and Other Financial Institutions Act, 2002;

"Board" means the board of the Department;

"Chief Executive Officer" means the chief executive officer of the Department appointed under section 47;

"Funds" means financial funds to which this Bill applies and includes any income, stock, dividend or interest thereon (see Unclaimed Funds below);

"Fund" means the Unclaimed Asset Trust Fund established by section 49;

"Financial institution" has the meaning assigned to it in the Banks and Other Financial Institutions Act, 2002;

"Holder" means any entity who, in respect to funds to which this Bill

1 applies, holds such funds on behalf of an owner, is in possession of funds  
 2 belonging to another, is indebted to another on an obligation or is a trustee;  
 3 "Insurance company" has the meaning assigned to it in the Insurance Act,  
 4 2003;  
 5 "Last known address" means a description of the location of the apparent  
 6 owner sufficient for the purpose of the delivery of mail;  
 7 "National Assembly" means the National Assembly for the time being  
 8 responsible for matters relating to finance;  
 9 "Owner" means a person having a legal or equitable interest in the funds  
 10 subject to this Bill and includes the legal representative of the owner;  
 11 "Unclaimed funds" mean funds that-

- 12 (a) have been presumed abandoned and have become unclaimed
- 13 funds under the provisions of this Bill;
- 14 (b) have been transferred to the Authority as unclaimed funds under
- 15 this Bill;
- 16 (c) have been deemed under any other law to be unclaimed funds and
- 17 payable to the Authority, and includes such items under sections 3 to 23; and

18 "Utility" means a person who carries on, the business of transmission, sale,  
 19 delivery, or supply of electricity, water or other utility services.

20 PART II - DETERMINATION OF UNCLAIMED FUNDS

Unclaimed funds  
general requirements

21 3. Unless otherwise provided in this Bill or by any other law, funds  
 22 shall be subject to the custody of the Authority as unclaimed funds, if the  
 23 conditions that gave rise to a presumption of abandonment under sections 4 to  
 24 23 are satisfied and one or more of the following requirements are met-

- 25 (a) the records of the holder do not reflect the identity of the person
- 26 entitled to the funds;
- 27 (b) the holder has not previously paid or delivered the funds to the
- 28 apparent owner or other person entitled to the funds; and
- 29 (c) the last known address, as shown on the records of the holder, of
- 30 the apparent owner is in a country that does not provide by law for the escheat

1 or custodial taking of the funds or its escheat or unclaimed funds law is not  
2 applicable to the funds and the holder is domiciled in Nigeria.

3 4. -(a) Any dormant bank accounts and deposits, including savings  
4 accounts, with a bank or financial institution, and any other related interest  
5 in a bank or financial institution is presumed abandoned unless the owner,  
6 within the immediately preceding two years, has met one or more of the  
7 following requirements-

Dormant bank  
accounts and  
deposits, etc.

8 (i) in the case of a dormant account and deposits, increased or  
9 decreased its amount or presented the passbook or other similar evidence of  
10 the account for the crediting of interest;

11 (ii) communicated, in writing, with the bank or financial institution  
12 concerning the funds;

13 (iii) otherwise indicated an interest in the funds as evidenced by a  
14 record prepared by the bank or financial institution; and

15 (iv) had another relationship with the bank or financial institution  
16 concerning which the owner has met one or more of the following  
17 requirements-

18 (1) communicated, in writing, with the bank or financial  
19 institution;

20 (2) otherwise indicated an interest as evidenced by a memorandum  
21 or other record on file prepared by the bank or financial institution and  
22 unless the bank or financial institution communicates in writing with the  
23 owner with regard to the funds that would otherwise be abandoned under  
24 this subsection at the address to which communications regarding the other  
25 relationship regularly are sent.

26 (b) A holder may not impose with respect to funds described in  
27 subsection (a) above, any charge due to dormancy or inactivity or cease  
28 payment of interest unless-

29 (i) the holder regularly imposes such charges or ceases payment of  
30 interest and does not regularly reverse or otherwise cancel them or

1 retroactively credit interest with respect to the funds; and

2 (ii) there is an enforceable written contract between the holder and the  
3 owner of the funds providing that the holder may impose a charge or cease  
4 payment of interest.

5 (c) Any funds described in subsection (a) above that are automatically  
6 renewable are matured for purposes of subsection (a), **five years** after the  
7 expiration of its initial time period, but in the case of any renewal to which the  
8 owner consents at or about the time of renewal by communicating in writing  
9 with the bank or financial institution or otherwise indicating consent as  
10 evidenced by a record prepared by the holder, the funds is matured  
11 upon the expiration of the last time period for which consent was given.

12 (d) Where, at the time provided for delivery to the Authority under  
13 section 27, a penalty or forfeiture in the payment of interest would result from  
14 the delivery of the funds, the time for delivery shall be extended until the time  
15 when no penalty or forfeiture would result.

16 5.-(a) Any stock, share, or other intangible ownership interest in a  
17 business entity, the existence of which is evidenced by records available to the  
18 entity, is presumed abandoned and, with respect to the interest, the entity is the  
19 holder, if both of the following apply-

20 (i) the interest in the entity is owned by a person who for more than  
21 two years has not claimed a dividend, distribution, or other sum payable as a  
22 result of the interest, or who has not communicated with the entity regarding  
23 the interest or a dividend, distribution, or other sum payable as the result of the  
24 interest, as evidenced by a memorandum or other record on file with the entity  
25 prepared by the entity;

26 (ii) the entity does not know the whereabouts of the owner at the end  
27 of the two year period.

28 (b) The return of official shareholder notifications or communications  
29 as undeliverable is evidence that the entity does not know the location of the  
30 owner.



1 subject to this section any charge imposed by reason of the failure to claim the  
2 benefits for payment unless-

3 (i) the holder regularly imposes such charges and does not regularly  
4 reverse or otherwise cancel them; and

5 (ii) there is an enforceable written contract between the issuer and the  
6 owner of the instrument under which the issuer may impose a charge.

Travellers' cheques,  
money orders, etc.

7 8.-(a) Subject to subsection (d) below, any sum payable in Nigeria on  
8 a travellers' cheque that is outstanding for more than two years after its issuance  
9 is presumed abandoned unless the owner, within the two years, has  
10 communicated in writing with the issuer concerning it or otherwise indicated  
11 an interest as evidenced by a record prepared by the issuer;

12 (b) Subject to subsection (d) below, any sum payable in Nigeria on a  
13 money order or similar written instrument that is outstanding for more than two  
14 years after its issuance is presumed abandoned unless the owner, within two  
15 years, has communicated in writing with the issuer concerning it or otherwise  
16 indicated an interest as evidenced by a record prepared by the Issuer;

17 (c) A holder shall not deduct from the amount of a travellers' cheque or  
18 money order any charge imposed by reason of the failure to present the  
19 instrument for payment unless-

20 (i) the issuer regularly imposes such charges and does not regularly  
21 reverse or otherwise cancel them; and

22 (ii) there is an enforceable written contract between the issuer and the  
23 owner of the instrument under which the issuer may impose a charge.

24 (d) A sum payable in Nigeria on a travellers' cheque, money order, or  
25 similar written instrument may not be subjected to the custody of the Authority  
26 as unclaimed funds unless one or more of the following requirements are met-

27 (i) the records of the issuer show that the travellers' cheque, money  
28 order or similar written instrument was purchased in Nigeria;

29 (ii) the issuer has its principal place of business in Nigeria and the  
30 records of the issuer do not show the country in which the travellers' cheque,

1 (c) This section applies to both the underlying stock, share, or other  
2 intangible ownership interest of an owner, and any stock, share, or other  
3 intangible ownership interest of which the business entity is in possession of  
4 the certificate or other evidence or indication of ownership, and to the stock,  
5 share, or other ownership interest of dividend and non-dividend paying  
6 business entities whether or not the interest is represented by a certificate.

7 (d) At the time an interest is presumed abandoned under this  
8 section, any dividend, distribution, or other sum held for or owing to the  
9 owner as a result of the interest, and not previously presumed abandoned,  
10 shall be presumed abandoned.

11 6.-(a) Any contributions to the National Provident Fund (NPF) and  
12 the National Social Insurance Trust Fund (NSITF), on which the NPF or  
13 NSITF is directly liable, which is outstanding for more than two years after it  
14 was payable, is presumed abandoned, unless the owner, within the  
15 immediately preceding two years, has communicated in writing with the  
16 NPF or NSITF concerning it or otherwise indicated an interest as evidenced  
17 by a record prepared by the NPF or NSITF.

Contribution to  
the National  
Provident Fund  
(NPF) and National  
Social Insurance  
Trust Fund (NSITF)

18 (b) A holder may not deduct from the amount of any contribution  
19 subject to this section any charge imposed by reason of the failure to claim  
20 the contribution for payment unless-

21 (i) the issuer regularly imposes such charges and does not regularly  
22 reverse or otherwise cancel them; and

23 (ii) there is an enforceable written contract between the issuer and  
24 the owner of the instrument under which the issuer may impose a charge.

25 7.-(a) Any sum payable in Nigeria as part of a pension or retirement  
26 benefit program, on which the holder is directly liable, which is outstanding  
27 for more than two years after it was payable or after its issuance if payable on  
28 demand, is presumed abandoned, unless the owner, within the immediately  
29 preceding two years, has communicated in writing with the holder;

Pension and  
retirement  
benefits

30 (b) A holder may not deduct from the amount of any benefits

1 money order, or similar written instrument was purchased;

2 (iii) the issuer has its principal place of business in Nigeria.

3 9.-(a) Any sum payable in Nigeria on a cheque, draft, or similar  
4 instrument, on which a bank or financial institution is directly liable,  
5 including a banker's cheque, which is outstanding for more than two years  
6 after it was payable or after its issuance if payable on demand, is presumed  
7 abandoned, unless the owner, within the immediately preceding two years,  
8 has communicated in writing with the bank or financial institution  
9 concerning it or otherwise indicated an interest as evidenced by a record  
10 prepared by the bank or financial institution.

Cheques, drafts  
or similar  
instruments

11 (b) A holder may not deduct from the amount of any instrument  
12 subject to this section any charge imposed by reason of the failure to present  
13 the instrument for payment unless-

14 (i) the issuer regularly imposes such charges and does not regularly  
15 reverse or otherwise cancel them; and

16 (ii) there is an enforceable written contract between the issuer and  
17 the owner of the instrument under which the issuer may impose a charge.

18 10.-(a) Any demand, savings, or matured time deposit with a bank  
19 or financial institution, including a deposit that is automatically renewable,  
20 and any funds paid toward the purchase of a share, a mutual investment  
21 certificate, or any other interest in a bank or financial institution is presumed  
22 abandoned unless the owner, within the immediately preceding two years,  
23 has met one or more of the following requirements-

Demands, savings  
or matured time  
deposit

24 (i) in the case of a deposit, increased or decreased its amount or  
25 presented the passbook or other similar evidence of the deposit for the  
26 crediting of interest;

27 (ii) communicated, in writing, with the bank or financial institution  
28 concerning the funds;

29 (iii) otherwise indicated an interest in the funds as evidenced by a  
30 record prepared by the bank or financial institution;

1 (iv) had another relationship with the bank or financial institution  
2 concerning which the owner has met one or more of the following  
3 requirements-

4 (1) communicated, in writing, with the bank or financial institution;

5 (2) otherwise indicated an interest as evidenced by a memorandum or  
6 other record on file prepared by the bank or financial institution and unless the  
7 bank or financial institution communicates in writing with the owner with  
8 regard to the funds that would otherwise be abandoned under this subsection at  
9 the address to which communications regarding the other relationship  
10 regularly are sent.

11 (b) A holder may not impose with respect to funds described in  
12 subsection (a) any charge due to dormancy or inactivity or cease payment of  
13 interest unless-

14 (i) the holder regularly imposes such charges or ceases payment of  
15 interest and does not regularly reverse or otherwise cancel them or  
16 retroactively credit interest with respect to the funds; and

17 (ii) there is an enforceable written contract between the holder and the  
18 owner of the funds providing that the holder may impose a charge or cease  
19 payment of interest.

20 (c) Any funds described in subsection (a) above that are automatically  
21 renewable are matured for purposes of subsection (a) above, five years after the  
22 expiration of its initial time period, but in the case of any renewal to which the  
23 owner consents at or about the time of renewal by communicating in writing  
24 with the bank or financial institution or otherwise indicating consent as  
25 evidenced by a record prepared by the holder, the funds is matured upon the  
26 expiration of the last time period for which consent was given.

27 (d) Where, at the time provided for delivery to the Authority under  
28 section 26, a penalty or forfeiture in the payment of interest would result from  
29 the delivery of the funds, the time for delivery shall be extended until the time  
30 when no penalty or forfeiture would result.

1           11.-(a) Funds held or owing under any life or endowment insurance  
 2 policy, proceeds or annuity contract that has matured or terminated are  
 3 presumed abandoned if unclaimed for more than two years after the funds  
 4 became due and payable as established from the records of the insurance  
 5 company holding or owing the funds.

Life or endowment  
 insurance policy,  
 proceeds or  
 annuity contract

6           (b) Where a person other than the insured or annuitant is entitled to  
 7 the funds referred to in subsection (a) and the address of the person is not  
 8 known to the insurance company or it is uncertain from the records of the  
 9 insurance company who is entitled to the funds, it shall be presumed that the  
 10 last known address of the person entitled to the funds is the same as the last  
 11 known address of the insured or annuitant according to the records of the  
 12 insurance company.

13           (c) For purposes of this Bill, a life or endowment insurance policy,  
 14 proceed or annuity contract not matured by actual proof of the death of the  
 15 insured or annuitant according to the records of the insurance company shall  
 16 be deemed matured and the proceeds due and payable if one or more of the  
 17 following requirements are met-

18           (i) the insurance company knows that the insured or annuitant has  
 19 died;

20           (ii) the insured has attained, or would have attained if he were  
 21 living, the limiting age under the mortality table on which the reserve is  
 22 based;

23           (iii) the policy was in force at the time the insured attained, or  
 24 would have attained, the limiting age; and neither the insured nor any other  
 25 person appearing to have an interest in the policy within the preceding two  
 26 years, according to the records of the insurance company, has assigned,  
 27 readjusted, or paid premiums on the policy, subjected the policy to a loan,  
 28 corresponded in writing with the, insurance company concerning the policy,  
 29 or otherwise indicated an interest as evidenced by a record prepared by the  
 30 insurance company.

1 (d) For purposes of this Bill, the application of an automatic premium  
2 loan provision or other non-forfeiture provision contained in an insurance  
3 policy shall not prevent a policy from being matured or terminated under this  
4 section if the insured has died or the insured or the beneficiary of the policy  
5 otherwise has become entitled to the proceeds of the policy before the  
6 depletion of the cash surrender value of the policy by the application of  
7 those provisions.

8 (e) Where any law or the terms of the life insurance policy require the  
9 insurance company to give notice to the insured or owner that an automatic  
10 premium loan provision or other non-forfeiture provision has been exercised  
11 and the notice, given to an insured or owner whose last known address  
12 according to the records of the insurance company is in Nigeria, is  
13 undeliverable, the insurance company shall make a reasonable search to  
14 ascertain the policyholder's correct address to which the notice shall be  
15 delivered.

16 (f) Notwithstanding any other law, where the insurance company  
17 learns of the death of the insured or annuitant and the beneficiary has not  
18 communicated with the insurance company within sixty days after the death of  
19 the insured or annuitant, the insurance company shall take reasonable steps to  
20 pay the proceeds to the beneficiary.

21 (g) Every change of beneficiary form issued by an insurance company  
22 under any life or endowment insurance policy or annuity contract to an insured  
23 or owner who is a resident of Nigeria shall request all of the following  
24 information-

25 (i) the name of each beneficiary, or if a class of beneficiaries is named,  
26 the name of each current beneficiary in the class;

27 (ii) the address of each beneficiary;

28 (iii) relationship of each beneficiary to the insured;

29 (iv) a copy of at least one identification document of each beneficiary,  
30 including a national identity card or passport.

1           12.-(a) Funds distributable in the course of the demutualization of  
2 an insurance company shall be presumed abandoned where-

Demutualization  
of insurance  
company, etc.

3           (i) in the case of any funds, two years after the date of the  
4 demutualization, the funds remain unclaimed and the owner has not  
5 otherwise communicated with the holder or its agent regarding the funds as  
6 evidenced by a record with the holder or its agent.

7           (ii) in the case of any stock, two years after the date of the  
8 demutualization, instruments or statements reflecting the distribution are  
9 either mailed to the owner and returned as undeliverable or not mailed to the  
10 owner because of an address on the books and records of the holder that is  
11 known to be incorrect and the owner has not otherwise communicated with  
12 the holder or its agent regarding the funds as evidenced by a memorandum  
13 or other record on file with the holder or its agent.

14           (b) A holder of unclaimed funds described in section (a) shall file  
15 an initial one-time report of unclaimed demutualization proceeds not later  
16 than six months after this Bill comes into force.

17           (c) In this section, "demutualization" means the payment of  
18 consideration for the relinquishment of a mutual membership interest in a  
19 mutual insurance company, whether or not undertaken in conjunction with a  
20 plan of demutualization, liquidation, merger, or other form of  
21 reorganization.

22           13. A deposit made by a subscriber with a utility to secure  
23 provision of services or any sum paid in advance for utility services to be  
24 furnished, that remains unclaimed by the owner for more than two years  
25 after termination of the services for which the deposit or advance payment  
26 was made shall be presumed abandoned.

Deposit for  
utility services

27           14. Except to the extent otherwise ordered by a court, any sum that  
28 a holder has been ordered to refund by a court that remains unclaimed by the  
29 owner for more than two years after it became payable in accordance with  
30 the final determination providing for the refund, whether or not the final

Determination or  
order by court of  
refund by holder

1 determination requires any person entitled to a refund to make a claim for the  
2 refund, is presumed abandoned.

Ownership  
interest, etc.

3 **15.**-(a) Any stock, share, or other intangible ownership interest in a  
4 business entity, the existence of which is evidenced by records available to the  
5 entity, is presumed abandoned and, with respect to the interest, the entity is the  
6 holder, if both of the following apply-

7 (i) the interest in the entity is owned by a person who for more than  
8 two years has not claimed a dividend, distribution, or other sum payable as a  
9 result of the interest, or who has not communicated with the entity regarding  
10 the interest or a dividend, distribution, or other sum payable as the result of the  
11 interest, as evidenced by a memorandum or other record on file with the entity  
12 prepared by the entity;

13 (ii) the entity does not know the whereabouts of the owner at the end  
14 of the two year period.

15 (b) The return of official shareholder notifications or communications  
16 as undeliverable is evidence that the entity does not know the location of the  
17 owner.

18 (c) This section applies to both the underlying stock, share, or other  
19 intangible ownership interest of an owner, and any stock, share, or other  
20 intangible ownership interest of which the business entity is in possession of  
21 the certificate or other evidence or indication of ownership, and to the stock,  
22 share, or other ownership interest of dividend and non-dividend paying  
23 business entities whether or not the interest is represented by a certificate.

24 (b) At the time an interest is presumed abandoned under this section,  
25 any dividend, distribution, or other sum then held for or owing to the owner as a  
26 result of the interest, and not previously presumed abandoned, shall be  
27 presumed abandoned.

Funds from  
dissolved business  
entity

28 **16.** Funds distributable in the course of dissolution of a business  
29 entity that remains unclaimed by the owner for more than two years after the  
30 date specified for final distribution is presumed abandoned.



1           17.-(a) Funds held in a fiduciary capacity for the benefit of another  
2 person are presumed abandoned unless the owner, within two years after  
3 they have become payable or distributable, has increased or decreased, the  
4 principal, accepted any payment in respect thereof, communicated  
5 concerning the funds, or otherwise indicated any other interest as evidenced  
6 by a record prepared by the fiduciary.

Funds held in  
fiduciary capacity

7           (b) For the purposes of this Bill, a person who is deemed to hold  
8 funds in a fiduciary capacity for a business entity alone is the holder of the  
9 funds only insofar as the interest of the business entity in the funds is  
10 concerned, and the business entity is the holder of the funds insofar as the  
11 interest of any other person in the funds is concerned.

12           18.-(a) Except as provided in subsection (d) below, a gift  
13 certificate, gift card, or credit memo is presumed abandoned if either of the  
14 following apply-

Gift certificate or  
credit memo

15           (i) the certificate, card, or memo is not claimed or used for a period  
16 of two years after becoming payable or distributable;

17           (ii) the certificate, card, or memo was used or claimed one or more  
18 times without exhausting its full value, but subsequently was not claimed or  
19 used for an uninterrupted period of two years.

20           (b) For purposes of subsection (a), a gift certificate or gift card is  
21 considered to have been claimed or used if there is any transaction  
22 processing activity on the gift certificate or gift card including, but not  
23 limited to, redeeming, refunding, or adding value to the certificate or card.

24           (c) Activity initiated by the issuer of the certificate or card,  
25 including, but not limited to, assessing inactivity fees or similar service fees,  
26 does not constitute transaction processing activity for purposes of  
27 subsection (b).

28           (d) In the case of a gift certificate or gift card, the owner is  
29 presumed to be a recipient of the gift certificate or gift card, and the amount  
30 presumed abandoned is the price paid by the purchaser for the gift

1 certificate or gift card, less the total of any purchases or fees assessed a 'fist the  
2 certificate or card.

3 (e) In the case of a credit memo, the amount presumed abandoned is  
4 the amount credited to the recipient of the memo.

5 (f) This Bill does not apply to a gift certificate that is issued for retail  
6 goods or services by a person engaged in the retail sale of goods or services.

Unpaid wages

7 19. Unpaid wages including wages represented by unrepresented  
8 payroll cheques, allowances, bonuses and terminal benefits owing in the  
9 ordinary course, of the holder's business that remain unclaimed by the owner  
10 for more than two years after becoming payable are presumed abandoned.

Funds held in  
safe deposit box  
or reposi box or  
repository

11 20. Funds that by their nature may lawfully be sold, held in a safe  
12 deposit box or any other safekeeping repository in Nigeria in the ordinary  
13 course of the holder's business, and proceeds resulting from the sale of the  
14 funds, that remain unclaimed by the owner for more than two years after the  
15 lease or rental period on the box or other repository has expired, are presumed  
16 abandoned.

Funds held by  
court or Government  
department

17 21. Funds held for the owner by a court or a Government department  
18 that remain unclaimed by the owner for more than two years after becoming  
19 payable or distributable is presumed abandoned.

Funds in failed  
banks and other  
defunct financial  
institutions

20 22. Funds in failed banks and other defunct financial institutions that  
21 have or previously had a fiduciary relationship with an owner or the  
22 beneficiary having a legal or equitable interest in the funds, held or previously  
23 held by the banks or other financial institutions, that remain unclaimed by the  
24 owner for more than two years after becoming payable or distributable is  
25 presumed abandoned.

National Assembly  
to prescribe  
further classes  
of funds etc.

26 23.-(a) Subject to this Bill, the National Assembly by order can  
27 prescribe additional classes of funds and holders respectively, to which this Bill  
28 applies.

29 (b) The order referred to in subsection (a) shall include such other  
30 requirements as the National Assembly may deem necessary, including the

1 period after which funds referred to in subsection (a) may be presumed  
2 abandoned and deemed unclaimed funds.

3 PART III - DEALING WITH UNCLAIMED FUNDS, DUTIES OF HOLDERS  
4 AND CERTAIN POWERS OF THE AUTHORITY, ETC.

5 24.-(a) A holder of funds to which this Bill applies shall make all  
6 reasonable efforts to locate the owner and to notify the owner about their  
7 funds.

Duty to locate and  
notify owners of  
funds

8 (b) The reasonable efforts required under subsection (a) shall be  
9 made in such manner and within such period as the Authority may prescribe.

10 (c) Without prejudice to the generality of subsections (a) and (b),  
11 within a period not less than sixty days and not more than one year before  
12 filing the report required by section 25, the holder in possession of funds  
13 presumed abandoned and subject to the Authority's custody as unclaimed  
14 funds under this Bill shall send written notice to the apparent owner at his  
15 last known address informing the owner that the holder is in possession of  
16 funds subject to this Bill where the holder has in its records an address of the  
17 apparent owner.

18 25.-(a) A person holding funds presumed abandoned and subject to  
19 the custody of the Authority as unclaimed funds under this Bill shall make a  
20 report concerning the funds to the Authority as provided in this section.

Report of  
presumed  
abandoned funds;  
duties of holders  
of funds

21 (b) The report referred to in subsection (a) shall be certified by the  
22 Chief Executive Officer or Chief Financial Officer of the holder and shall  
23 include all of the following-

24 (i) the name, if known, and last known address, if any, of each  
25 person appearing on the records of the holder to be the owner of funds  
26 presumed abandoned under this Bill;

27 (ii) in the case of unclaimed funds held or owing under any life or  
28 endowment insurance policy, proceed or annuity contract, the full name and  
29 last known address of the insured or annuitant and of the beneficiary

1 according to the records of the insurance company holding or owing the funds;  
2 (iii) in the case of the contents of a safe deposit box or other  
3 safekeeping repository or of other tangible funds, a description of the funds and  
4 the place where they are held and may be inspected by the Authority and any  
5 amounts owing to the holder;

6 (iv) the nature and identifying number, if any, or description of the  
7 funds and the amount appearing from the records to be due;

8 (v) the date the funds became payable, demandable, or returnable, and  
9 the date of the last transaction with the apparent owner with respect to the  
10 funds; and

11 (vi) other information the Authority may lawfully require.

12 (c) Where the person holding funds presumed abandoned and subject  
13 to the Authority's custody as unclaimed funds under this Bill is a successor to  
14 other persons who previously held the funds for the apparent owner, or the  
15 holder has changed its name while holding the funds, the holder shall file with  
16 the report all known names, addresses and any other particulars of each  
17 previous holder of the funds.

18 (d) Except as otherwise provided in this section, the report referred to  
19 in subsection (a) shall be filed on or before the first day of June of each year for  
20 the twelve-month period ending on the immediately preceding thirty-first day  
21 of December.

22 (e) The Authority may extend the filing date provided for in  
23 subsection (d) for up to sixty days after the deadline if an estimated payment is  
24 paid on or before the deadline for the twelve-month period ending on the  
25 immediately preceding thirty-first of December.

26 (f) A request for extension of time to file the report shall not be  
27 deemed a request for an extension of time to remit payments.

28 (g) The Authority shall determine how estimated payments are to be  
29 remitted to it by a holder under this Bill.

1           26. For the purposes of this Bill, the Authority may request a  
2 person who the Authority reasonably believes is a holder of funds to provide  
3 such information to the Authority as the Authority may require, within such  
4 time or at such intervals as may be specified in the request.

Authority may  
request for  
information

5           27. A person who is required to file a report under section 25 shall  
6 at the time of filing the report, pay or deliver, to the order of the Authority all  
7 abandoned funds that are required to be reported under that section or any  
8 balance owing if an estimated payment was earlier made to the Authority.

Payment or  
delivery of  
abandoned funds  
to Authority

9           28.-(a) Upon the payment or delivery of funds to the Authority, the  
10 Authority shall assume custody and responsibility for the safekeeping of the  
11 funds.

Authority to  
assume custody;  
holders right of  
funds in safekeeping,  
etc.

12           (b) A person who pays or delivers funds to the Authority in good  
13 faith shall be relieved of all liability to the extent of the value of the funds  
14 paid or delivered for any claim existing or which may arise or be made in  
15 respect to the funds after the payment or delivery to the Authority.

16           (c) Where the holder pays or delivers funds to the Authority in good  
17 faith and another person claims the funds from the holder or another country  
18 claims the money or funds under its laws relating to escheat or abandoned or  
19 unclaimed funds, the Authority, upon written notice of the claim, shall  
20 defend the holder against the claim and indemnify the holder against any  
21 liability on the claim.

22           (d) For the purposes of this section, "good faith" means-

23           (i) that payment or delivery was made in a reasonable attempt to  
24 comply with this Bill;

25           (ii) that the person delivering the funds was not a fiduciary then in  
26 breach of trust in respect to the funds and had a reasonable basis for  
27 believing, based on the facts then known to him, that the funds was  
28 abandoned for the purposes of this Bill; and

29           (iii) that there is no indication that the records under which the  
30 delivery was made did not meet reasonable commercial standards of

1 practice in the industry.

2 (e) Funds removed from a safe deposit box or other safekeeping  
3 repository shall be received by the Authority subject to the holder's right under  
4 this subsection to be reimbursed for the actual cost of the opening and to any  
5 valid lien or contract providing for the holder to be reimbursed for unpaid rent  
6 or storage charges.

Authorised deductions by the Authority

7 29.-(a) Before making any deposit to the credit of the Fund, the  
8 Authority may deduct any of the following-

- 9 (i) costs in connection with the sale of abandoned funds;
- 10 (ii) costs of mailing and publication in connection with any  
11 abandoned funds;
- 12 (iii) reasonable service charges; and
- 13 (iv) costs incurred in examining records of holders of funds and in  
14 collecting the funds from those holders.

15 (b) The Authority shall ensure that the costs and charges deducted  
16 pursuant to subsection (a) are reasonable and in accordance with the best  
17 market value available.

Dividends, interest or other income

18 30. Where funds other than money, such as stocks or shares, are  
19 delivered to the Authority under this Bill, the owner shall be entitled to receive  
20 from the Authority any dividends, interest, or other income realized or accruing  
21 on the funds at or before liquidation or conversion of the funds into money.

Sale of unclaimed funds

22 31.-(a) Except as provided in this section, the Authority, not later than  
23 three years after the receipt of the unclaimed funds referred to in section 30,  
24 shall sell such funds, subject to a reserve price, to the highest bidder at a public  
25 auction.

26 (b) Any sale held under this section shall be preceded by at least one  
27 publication of notice, at least three weeks in advance of sale, in at least one  
28 newspaper of national circulation.

29 (c) Securities listed on a stock exchange shall be sold by the Authority  
30 at prices prevailing at the time of sale on the exchange.

1 (d) Securities not listed on a stock exchange may be sold over the  
2 counter at prices prevailing at the time of sale or by any such other method  
3 as the Authority may consider appropriate.

4 (e) Unless the Authority considers it to be in the best interest of the  
5 Fund to do otherwise, all securities presumed abandoned under this Bill and  
6 delivered to the Authority shall be sold within three year of the receipt of the  
7 securities.

8 (f) The purchaser of funds at a sale conducted by the Authority  
9 under this Bill shall take the funds free of all claims of the owner or previous  
10 holder of the funds and of all persons claiming through or under the owner or  
11 previous holder.

12 (g) The Authority shall execute all documents necessary to  
13 complete the transfer of ownership to the purchaser.

14 (h) Upon the sale of unclaimed funds in subsection (a) above, the  
15 Department shall assume custody and responsibility for the safekeeping of  
16 the proceeds from the sale.

17 32. The Authority shall, upon payment of such inspection fee as the  
18 Authority may from time to time determine; make available for public  
19 inspection at all business hours, only the name of the owner or apparent  
20 owner and a general description of the funds delivered to it under this Bill.

Availability of  
information to the  
public

21 33.-(a) A person claiming an interest in any funds paid or delivered  
22 to the Authority under this Bill, may file with the Authority a claim on such  
23 form as may be prescribed for that purpose by the Authority;

Claims on funds

24 (b) The Authority shall consider each claim referred to subsection  
25 (a) within ninety days after it is filed and shall give written notice to the  
26 claimant of its decision;

27 (c) The notice under subsection (b) may be given by mailing it to  
28 the last address, if any, stated in the claim as the address to which notices are  
29 to be sent;

30 (d) Where no address for notices is stated in the claim, the notice

1 may be mailed to the last address, if any, of the claimant as stated in the claim.

2 (e) Where a claim is allowed, the Authority shall pay over or deliver to  
3 the claimant the funds or the amount the Authority actually received or the net  
4 proceeds if it has been sold by the Authority.

Action to  
establish claim  
in court

5 34.-(a) A person who is aggrieved by a decision of the Authority or  
6 whose claim has not been acted upon within ninety days after its filing may  
7 bring an action in court against the Authority;

8 (b) The action shall be brought within ninety days after the decision of  
9 the Authority or within one hundred and eighty days after the filing of the claim  
10 where the Authority has failed to act on a claim.

Expiration of  
time period  
specified by  
contract, statute,  
or court order

11 35. The expiration, before or after the commencement of this Bill, of  
12 any period of time specified by contract, statute, or court order, during which a  
13 claim for funds can be made or during which an action or proceeding may be  
14 commenced or enforced to obtain payment of a claim for money or to recover  
15 funds, shall not prevent the funds from being presumed abandoned or affect  
16 any duty to file a report or to pay or deliver abandoned funds to the Authority as  
17 required by this Bill and such funds shall be delivered to the Authority and dealt  
18 with as unclaimed funds under this Bill.

Report of  
unclaimed funds;  
examination of  
records, etc.

19 36.-(a) The Authority shall have powers to require a person who has  
20 not filed a report as required by section 25 or a person who the Authority  
21 believes has filed an incomplete, or false report, to file a certified report in a  
22 form specified by the Authority;

23 (b) The report under section (a) shall state whether the person is  
24 holding any unclaimed funds reportable or deliverable under this Bill, describe  
25 unclaimed funds not previously reported or as to which the Authority has made  
26 inquiry, and specifically identify and state the amounts of funds that may be in  
27 question;

28 (c) The Authority shall have powers to, at reasonable times and upon  
29 reasonable notice, examine the records of a person to determine whether the  
30 person has complied with this Bill.



1 (d) The Authority shall have powers to conduct the examination  
2 referred to in subsection (c) whether or not the person believes he or she is  
3 not in possession of any funds reportable or deliverable under this Bill;

4 (e) The Authority shall have powers to enter into contract with any  
5 other person to conduct the examination under this section on behalf of the  
6 Authority;

7 (f) Where an examination of the records of a person results in the  
8 disclosure of funds reportable and deliverable under this Bill, the Authority  
9 shall have powers to assess the cost of the examination against the holder at  
10 such daily rate as the National Assembly may determine provided that the  
11 charges shall not exceed the value of the funds found to be reportable and  
12 deliverable;

13 (g) The cost of examination made pursuant to subsection (c) shall  
14 be imposed only against the holder or paid out of the Trust Fund;

15 (h) Where after this Bill comes into force, a holder fails to maintain  
16 the records required by section 37 and the records of the holder available for  
17 the periods subject to this Bill are insufficient to permit the preparation of a  
18 report, the Authority shall have powers to require the holder to report and  
19 pay an amount as may reasonably be estimated from any available records.

20 37.-(a) A holder required to file a report under section 25, as to any  
21 funds for which it has obtained the last known address of the owner, shall  
22 maintain a record of the name and last known address of the owner for ten  
23 years after the funds becomes reportable, except to the extent that a shorter  
24 time is provided in subsection (b) or by the Authority;

25 (b) An entity that sells in Nigeria its travellers' cheques, money  
26 orders, or other similar written instruments on which the business entity is  
27 directly liable, or that provides those instruments to others for sale in  
28 Nigeria, shall maintain a record of those instruments while they remain  
29 outstanding, indicating the country and date of issue for three years after the  
30 date the funds are reportable.

Maintenance of  
records; required  
time periods

Failure to pay or deliver funds and penalties

1 38.-(a) A person who fails to pay or deliver funds within the time  
2 prescribed by this Bill shall pay to the Authority interest at the current monthly  
3 rate of one percentage point above the adjusted prime rate per annum per month  
4 on the funds or value of the funds from the date the funds should have been paid  
5 or delivered;

6 (b) The adjusted prime rate shall be based on the Central Bank of  
7 Nigeria average rate during the twelve-month period ending on thirtieth day of  
8 September;

9 (c) The resulting current monthly interest rate based on the twelve-  
10 month period ending thirtieth day of September shall become effective on the  
11 first day of January of the following year;

12 (d) A person who willfully fails to render any report or perform other  
13 duties required under this Bill shall be liable to pay penalty of seven thousand  
14 (7,000) Naira but not more than fifty thousand (50,000) Naira for each day the  
15 report is withheld or the duty is not performed;

16 (e) A person who willfully fails to pay or deliver funds to the Authority  
17 as required under this Bill shall be liable to pay a penalty equal to twenty-five  
18 (25) percent of the value of the funds that should have been paid or delivered;

19 (f) A penalty payable under subsections (a), (d) and (e) of this section  
20 shall be recoverable as civil debt summarily.

Funds deemed unclaimed before this Bill came into force

21 39.-(a) This Bill shall, on coming into force, apply to all funds that  
22 would, but for the absence of this Bill, be deemed unclaimed funds under the  
23 provisions of this Bill as if this Bill had been in force at that earlier date on  
24 which the funds would have become unclaimed funds under this Bill;

25 (b) The initial report filed under this Bill for funds that are subject to  
26 this Bill shall include all funds that would have been presumed abandoned  
27 before this Bill came into force as if this Bill had been in effect during that  
28 period and such funds shall be dealt with under the provisions of this Bill.

Duty to locate and notify owners of funds

29 40.-(a) The Authority shall make reasonable efforts to locate the  
30 owner of funds in the custody of the Authority and notify him in accordance

1 with this Bill;

2 (b) In notifying an owner as required by subsection (a), the  
3 Authority shall determine the most cost effective manner of making the  
4 notification depending on the respective value of the funds concerned.

5 41. The Authority shall-

Unclaimed funds  
database

6 (a) maintain an electronic or other database of all unclaimed funds  
7 submitted to it under this Bill;

8 (b) include in the database the prescribed particulars for each  
9 unclaimed asset; and

10 (c) make the database available to the public, subject to any  
11 restrictions imposed for purposes of protecting the privacy of owners.

12 42.-(a) Any regulatory authority responsible for the supervision of  
13 a holder shall assist the Authority in the enforcement of the provisions of this  
14 Bill and generally ensure that the objectives of this Bill are achieved;

Responsibility of  
regulatory  
authorities

15 (b) Subject to section 3 above, where there is conflict between the  
16 provisions of this Bill and the provisions of any other law on any matter  
17 concerning unclaimed funds, the provisions of this Bill shall prevail.

18 43.-(a) Subject to any other written law to the contrary, the  
19 Authority shall have the right to any information that is in the custody or  
20 control of a public body if that information can reasonably be expected to  
21 assist the Authority in locating the owner, or determining the correct owner,  
22 of an unclaimed asset for the purposes of this Bill;

Access to  
information and  
retention of records  
by the Authority

23 (b) A public body that has custody or control of information to  
24 which the Authority is entitled under subsection (a) shall disclose that  
25 information to the Authority on request;

26 (c) Each public body shall meet the standards, as may be set by  
27 regulation, with respect to-

28 (i) the collection and recording of information concerning any  
29 funds that become unclaimed funds; and

30 (ii) retention of records containing that information.

## 1 PART IV - THE UNCLAIMED FUNDS REGULATORY AUTHORITY

Establishment  
of the Unclaimed  
Funds Regulatory  
Authority2 44.-(a) There shall be an authority to be known as the Unclaimed  
3 Funds Regulatory Authority;4 (b) The Authority is a corporate body with perpetual succession and a  
5 common seal and shall, in its corporate name, be capable of-

6 (i) suing and being sued;

7 (ii) taking, purchasing or otherwise acquiring, holding, charging or  
8 disposing of movable and immovable property;

9 (iii) borrowing money or making investments;

10 (iv) entering into contracts; and

11 (v) doing or performing all other acts or things for the proper  
12 performance of its functions under this Bill which may lawfully be done or  
13 performed by a corporate body.14 (c) The Authority shall perform the functions assigned to the  
15 Authority under this Bill.Composition of  
the Board

16 45.-(a) The Board of the Authority shall comprise-

17 (i) five persons not being public officers appointed by the National  
18 Assembly of whom-19 (1) one shall be appointed by virtue of his knowledge and experience  
20 in matters relating to banking and investment;21 (2) one shall be appointed by virtue of his knowledge and experience  
22 in matters relating to insurance;23 (3) one shall be appointed by virtue of his knowledge and experience  
24 in matters relating to accounting and auditing, law, corporate or business  
25 management;26 (4) one shall be appointed by virtue of his knowledge in matters  
27 relating to unclaimed funds; and28 (5) one shall be appointed to represent the interest of consumers of  
29 financial services;

30 (ii) the Permanent Secretary of the Federal Ministry of Finance;

- 1 (iii) the Chief Executive Officer.
- 2 (b) The members of the Board shall, at their first meeting, elect a  
3 chairperson from amongst the members of the Board appointed under  
4 subsection (a)(i).
- 5 (c) No person shall be appointed as a member of the Board under  
6 subsection (a) (i) if such person-
- 7 (i) has been convicted of an offence by a court of competent  
8 jurisdiction and sentenced to imprisonment for a term of six months or more;
- 9 (ii) is adjudged bankrupt or has entered into a composition scheme  
10 or arrangement with his creditors; or
- 11 (iii) is disqualified under the provisions of any other written law  
12 from appointment as such.
- 13 (d) A member of the Board shall hold office for a period of three  
14 years, but shall be eligible for re-appointment.
- 15 (e) A member of the Board under subsection (a)(i) may-
- 16 (i) at any time resign from office by notice in writing to the  
17 National Assembly; or
- 18 (ii) be removed from office by the National Assembly if the  
19 member-
- 20 (1) has been absent from three consecutive meetings of the Board  
21 without justifiable cause or the permission of the chairperson;
- 22 (2) is adjudged bankrupt or enters into a composition scheme or  
23 arrangement with his creditors; or
- 24 (3) is convicted of an offence involving dishonesty or fraud;
- 25 (4) subject to paragraph (3.), is convicted of a criminal offence and  
26 sentenced to imprisonment for a term of six months or more;
- 27 (5) is incapacitated by prolonged physical or mental illness; or
- 28 (6) is otherwise unable or unfit to discharge his functions.
- 29 (f) The quorum for any meeting of the Board shall be three.
- 30 (g) All questions proposed at a meeting of the Board shall be

1 decided by a majority of the votes of the members present and voting, and in the  
2 event of equality of votes, the chairperson or the person presiding shall have a  
3 casting vote in addition to the deliberative vote.

4 (h) The Board may act notwithstanding any vacancy among the  
5 membership.

6 (i) Subject to this Bill, the Board may make rules for regulating the  
7 procedure at its meetings.

8 (j) The seal of the Authority shall be authenticated by the signature of  
9 the chairperson of the Board and the Chief Executive Officer and any  
10 document not required by law to be under seal and all decisions of the Board  
11 may be authenticated by the chairperson and the Chief Executive Officer:

12 Provided that the Board shall, in the absence of either the chairperson or the  
13 Chief Executive Officer, in any particular case or for any particular matter,  
14 nominate one of their own, in the particular case or matter in respect of which  
15 he is nominated, authenticate the seal of the Board on behalf of either the  
16 chairperson or the Chief Executive Officer.

Objects and  
functions of the  
Board

17 46. The objects and functions of the Authority shall be to-

- 18 (a) enforce, and generally administer, the provisions of this Bill;
- 19 (b) act as the Trustee to the Fund in accordance with Part V of this Bill;
- 20 (c) receive all payments required by this Bill to be made to the Fund;
- 21 (d) make payments out of the Fund to the rightful owners in  
22 accordance with the provisions of this Bill;
- 23 (e) manage and invest the funds of the Authority;
- 24 (f) advise the National Assembly on the national policy to be followed  
25 with regard to unclaimed funds and to implement all government policies  
26 relating to it; and
- 27 (g) perform such other functions as are conferred on it by this Bill or  
28 by any other written law.

Appointment of  
the Chief Executive  
Officer, etc.

29 47.-(a) The Board shall, through a competitive process, appoint a  
30 Chief Executive Officer who shall hold office on such terms and conditions of

1 service as may be specified in the instrument of appointment;

2 (b) The Chief Executive Officer shall be the managing trustee of  
3 the Fund;

4 (c) The Chief Executive Officer shall be responsible to the Board  
5 for the management of the day to day affairs of the Authority;

6 (d) The Board shall have power to appoint on such terms and  
7 conditions of service as it may determine, such other officers, servants and  
8 agents of the Fund as may be necessary for the efficient administration of the  
9 Fund and the Board shall exercise disciplinary control over such officers,  
10 servants and agents;

11 (e) The Board may, subject to such Conditions as the Board may  
12 think fit, by directions in writing, delegate any of its powers under  
13 subsection (d) to anyone or more of the members of the Board or to the Chief  
14 Executive Officer or other officer of the Fund.

15 48. No duty shall be chargeable under the Stamp Duty Act, 1939 in  
16 respect of any instrument executed by any person on behalf of or in favour of  
17 the Fund or in respect of the payment of any benefit or the refunding of any  
18 amount under this Bill in any case where, but for this exemption, the Fund or  
19 any person acting on behalf of the Authority.

Exemption from  
stamp duty

20 PART V - THE UNCLAIMED FUNDS REGULATORY AUTHORITY

21 TRUST FUND

22 49.-(a) There shall be a Fund known as the Unclaimed Funds  
23 Regulatory Authority Trust Fund which shall vest in, and be operated and  
24 managed by, the Authority.

Establishment of  
the Trust Fund

25 (b) There shall be paid-

26 (i) into the Fund, all moneys that become or are deemed to be  
27 unclaimed funds and other payments required by this Bill or by any other  
28 written law to be paid into the Fund; and (ii) out of the Fund-

29 (1) payment due and payable to owners out of the Fund under the  
30 Bill;

1 (2) such amounts as may be approved by the National Assembly to  
2 defray costs associated with the administration of the Authority and  
3 performance of its functions under this Bill.

Payment of  
claims

4 50.-(a) Where the Authority is satisfied that a person is the owner of  
5 all or part of the funds that became unclaimed funds and paid into the Fund, the  
6 Authority may payout of the Fund to the owner an amount equal to the value of  
7 that funds or part of that funds as the case may be;

8 (b) No interest or other earning accrues or is payable to an owner in  
9 respect of the period after funds becomes unclaimed funds and delivered to the  
10 Authority under this Bill;

11 (c) A payment under this section to an owner shall discharge the  
12 Authority from liability to the owner in respect of the funds that became  
13 unclaimed funds and were actually paid into the Fund.

Accounts and  
audit

14 51.-(a) The Authority shall keep proper books of account and other  
15 books and records in relation to the Fund and to all the undertakings, funding,  
16 investments, activities and property of the Fund as the Authority may deem  
17 necessary;

18 (b) Within a period of three months after the end of each financial  
19 year, the Authority shall prepare, sign and transmit to the Auditor-General of  
20 the Federation or to an auditor appointed under subsection (c)-

21 (i) a balance sheet showing in detail the funds and liabilities of the  
22 Fund;

23 (ii) a statement of income and expenditure of the Fund; and

24 (iii) such other statements of account as the Authority may deem  
25 necessary.

26 (c) The accounts of the Fund shall be audited and reported upon in  
27 accordance with the Corporate and Allied Matters Act, by the Auditor-General  
28 of the Federation, or by an auditor appointed by the Authority under the  
29 authority of the Auditor-General of the Federation;

30 (d) The Authority shall cause the audited accounts of the Fund to be



1 published in the Gazette and in at least two newspapers with national  
2 circulation.

3 52. -(a) The Court before whom any person is convicted of an  
4 offence under this Bill may, without prejudice to any civil remedy, order  
5 such person to pay to the Fund the amount of any other sum, together with  
6 any interest or penalty thereon, found to be due from such person to the  
7 Fund, and any sum so ordered shall be recoverable as a fine and paid into the  
8 Fund;

Penalties payable  
to the Fund

9 (b) All sums due to the Fund shall be recoverable as debts due to the  
10 Authority and without prejudice to any other remedy shall be a civil debt  
11 recoverable summarily.

12 53. -(a) All moneys in the Fund which are not for the time being  
13 required to be applied for the purposes of the Fund shall be invested in such  
14 investments, which is permitted by the Trustee Investments (Amendment)  
15 Bill, 2010 and as may be determined by the Authority with the approval of  
16 the National Assembly;

Investment of  
funds

17 (b) All investments made under this section shall be held for and on  
18 behalf of the Fund in the name of the Authority.

#### 19 PART VI - MISCELLANEOUS

20 54.-(a) The Authority may appoint or license such agents and  
21 service providers as it may deem necessary for carrying out of the objectives  
22 of this Bill to ensure the reporting, managing and enforcing of unclaimed  
23 funds;

Authority to  
appoint agent, etc.

24 (b) The Authority may in that respect and without prejudice to the  
25 foregoing in section (a), appoint agents and service providers with more  
26 than 20 years of experience in the highly specialized field of unclaimed  
27 funds and with experience in the requisite technology skills-

28 (i) to implement compliance reporting for holders required by  
29 section

30 (ii) to conduct enforcement activities of holders required by

1 section 36;

2 (iii) to implement the unclaimed funds database required under  
3 section 41; and

4 (iv) to reunite owners with their unclaimed funds required by section  
5 50.

6 (c) Notwithstanding section 29, the Department will compensate  
7 agents and service providers according to the consulting fees reflected on their  
8 statements of work.

Authority may  
institute proceedings  
in court

9 55. All criminal and civil proceedings under this Bill may, without  
10 prejudice to any other law, be instituted by Authority and, where the  
11 proceedings are instituted or brought in a court, an officer of the Authority  
12 authorised by the Board may prosecute or conduct the proceedings.

Powers of the  
Authority to  
enter, etc.

13 56. -(a) The Authority shall, for the purpose of ascertaining whether  
14 this Bill is being or has been complied with by any person, have power to enter  
15 any premises or place at all reasonable times;

16 (b) An institution liable to inspection under this Bill, and any  
17 employee, shall furnish the Authority all such information and produce for  
18 inspection all such documents as the Authority may reasonably require for the  
19 purpose of performing its functions under this Bill.

Offences and  
penalty

20 57. -(a) A holder who-

21 (i) fails to maintain a record required under this Bill or the  
22 Regulations made thereunder;

23 (ii) in a record required or submitted, or in information provided,  
24 under this Bill or the Regulations, makes a statement that-

25 (1) is false or misleading with respect to a material particular; or

26 (2) omits to state a material fact, the omission of which makes the  
27 statement false or misleading, commits an offence.

28 (b) A person is not guilty of an offence under subsection (a)(ii) if the  
29 person did not know that the statement was false or misleading and, with the  
30 exercise of reasonable diligence, could not have known that the statement was

1 false or misleading;

2 (c) Where a body corporate commits an offence under this section,  
3 an employee, officer, director or agent of the corporation who authorises,  
4 permits or acquiesces in the commission of the offence commits an offence;

5 (d) Subsection (c) shall apply whether or not the body corporate is  
6 prosecuted for the offence;

7 (e) A person who wilfully refuses after written demand by the  
8 Authority to pay or deliver funds to the Authority as required under this Bill  
9 commits an offence;

10 (f) A person convicted of an offence under this section shall be  
11 liable to a fine of not less than fifty thousand (50,000) Naira and not more  
12 than one million (1,000,000) Naira or to imprisonment for not more than one  
13 (1) year, or to both.

14 58. The National Assembly may, on the recommendation of the  
15 Board, make regulations necessary to carry out the provisions of this Bill.

Regulations

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the reporting, managing and enforcing of unclaimed funds; to establish the Unclaimed Funds Regulatory Authority and the Unclaimed Funds Regulatory Trust Fund.

