

# A BILL

## FOR

AN ACT TO PRESCRIBE STANDARD AND CONDITIONS OF LICENCE FOR OPERATION AND PRACTICE OF PRIVATE INVESTIGATOR IN THE COUNTRY AND FOR RELATED MATTERS, 2017

*Sponsored by Senator Isa Hamma Misau*

[ ] Commencement

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

- 1           I. Subject to the provisions of this Bill, a person shall be qualified  
2 to practice as a private investigator if: Practice as a  
private investigator
- 3           (a) An application under this subsection is made to the Attorney  
4 General of the Federation by or on behalf of any person appearing to be  
5 qualified as set forth hereunder, such person shall:
- 6           (i) Be a citizen of Nigeria;
- 7           (ii) Not below the age of 25 years of age;
- 8           (iii) Not have a previous convictions or findings of guilt for minor  
9 offence;
- 10           (iv) Not be a discharged bankrupt;
- 11           (v) Have a minimum educational qualification of a degree in  
12 associated criminal justice administration or security.
- 13           (b) In administering this Bill, the Attorney General of the  
14 Federation shall:
- 15           (i) Carry out all functions relating to licencing and approval that are  
16 conferred under this Bill;
- 17           (ii) Generally keep under review the activities of licenced Private  
18 Investigators;
- 19           (iii) Monitor the activities of persons licenced to carry out the  
20 business of Private Investigation;

1 (iv) Set approved standards, conduct, training level and supervision  
 2 of those licenced to carry on the business of private investigation and those  
 3 employed for the purpose of such business;

4 (v) Draw up or issue a code of ethics, standards and operational  
 5 guideline.

Scope of service  
 provided by a  
 private investigator

6 2.-(1) The private investigator shall provide investigative and legal  
 7 support services to government agencies, corporate entities and the general  
 8 public in the following areas:

9 (a) Fraud prevention, detection, assessment and resolution;

10 (b) Corporate fraud and risk management services;

11 (c) Insurance fraud and claims investigation;

12 (d) Aviation accident and loss investigation;

13 (e) Marine loss investigation;

14 (f) Occupational health and safety incident investigation;

15 (g) Witness location and bail bond defaulters;

16 (h) Criminal investigation;

17 (i) Child protection investigation;

18 (j) Investigative journalism;

19 (k) Family law investigation;

20 (l) Intellectual property protection services;

21 (m) Background checking;

22 (n) Consumer investigation; and

23 (o) Missing Persons investigations.

24 (2) The licenced private investigator shall have:

25 (i) The rights and power of authorised access to personal information  
 26 of subjects under investigation pursuant to the Freedom of Information Act;

27 (ii) Rights to all lawful standard police detectives and investigative  
 28 procedures.

Liability for  
 negligence

29 3.-(1) Subject to the provision of this section, a person shall not be  
 30 immune from liability or damage attributable to his negligence while acting in

1 his capacity as a private investigator and any provision purporting to  
2 exclude or limit that liability in any contract shall be void.

3 (2) Nothing in subsection (1) of this section shall be construed as  
4 preventing the exclusion or limitation of the liability aforesaid in any case  
5 where a private investigator gives his services without reward either by way  
6 of fees, disbursement or otherwise.

7 4.-(1) There shall be a committee to be known as the Private  
8 Investigators Disciplinary Committee (hereinafter referred to as the  
9 "Disciplinary Committee") which shall be charged with the duty of  
10 considering and determining any case where it is alleged that a licenced  
11 private investigator has misbehaved in his capacity as a private investigator

Establishment  
of Disciplinary  
Committee

12 (2) The Disciplinary Committee shall consist of:

13 (a) The Attorney General of the Federation who shall be the  
14 chairman;

15 (b) The Inspector General of Police;

16 (c) Twelve licenced private investigators of not less than ten years'  
17 standing nominated by private investigators professional association

18 (3) The provisions of the Schedule to this Bill shall have effect in  
19 relation to the Disciplinary Committee. (Schedule).

20 5.-(1) Where:

21 (a) A person being a licenced private investigator is found guilty by  
22 the Disciplinary Committee of infamous conduct in any professional  
23 respect;

24 (b) A person being a licenced private investigator is convicted by  
25 any court in Nigeria having power to award imprisonment of an offence  
26 (whether or not an offence punishable with imprisonment) which in the  
27 opinion of the Disciplinary Committee is incompatible with the status of a  
28 private investigator; or

29 (c) The Disciplinary Committee is satisfied that the name of the  
30 person has been fraudulently licenced, the Committee may, if it thinks fit,

Penalties for  
unprofessional  
conduct, etc.

1 give a direction:

2 (i) Ordering the revocation of such licence;

3 (ii) Suspending that person from practice by ordering him not to  
4 engage in the practice of private investigator for such a period as may be  
5 specified in the direction; or

6 (iii) Admonishing that person, and any such direction, where  
7 appropriate, include provision requiring the refund of moneys paid or the  
8 handing over of documents or any other thing as the circumstances of the case  
9 may require.

10 (2) Where a person who is a licenced private investigator is found  
11 guilty by the Disciplinary Committee of misconduct not amounting to  
12 infamous conduct which, in the opinion of the Disciplinary Committee, is  
13 incompatible with the status of a private investigator, the Disciplinary  
14 Committee may, if it thinks fit, give such a direction as is authorised by  
15 paragraph (c) (ii) or (iii) of subsection (1) of this section; and any such direction  
16 may, where appropriate, include provision requiring the refund of moneys paid  
17 or the handing over of documents or any other thing, as the circumstances of  
18 the case may require

19 (3) The Disciplinary Committee may, if it thinks fit, defer or further  
20 defer its decision as to giving of a direction under subsection (1) and (2) of this  
21 section until a subsequent meeting of the Committee for the purpose of  
22 reaching a decision which has been deferred or further deferred unless he was  
23 present as a member of the Committee when the decision was deferred.

24 (4) It shall be the duty of the professional association of private  
25 investigators to prepare, and from time to time revise, a statement as to the kind  
26 of conduct which it considers to be infamous in a professional respect.

27 (5) For the purpose of subsection (1) of this section, a person shall not  
28 be treated as convicted as mentioned in paragraph (b) of that subsection unless  
29 the conviction stands at a time when no appeal or further appeal is pending or  
30 may (without extension of time) be brought in connection with the conviction.

1           (6) When the Disciplinary Committee gives a direction under  
2 subsection (1) or subsection (2) of this section, the Disciplinary Committee  
3 shall cause notice of the direction to be served on the person to whom it  
4 relates.

5           (7) The person to whom such a direction relates may, at any time  
6 within 28 days from the date of service on him of notice of the direction,  
7 appeal against the direction to the Federal High Court who shall review the  
8 actions of the Disciplinary Committee and retain the final decision with  
9 respect to issue of discipline of private investigators

10           6.-(1) Where either before or after the commencement of this Bill,  
11 the licence of a private investigator has been withdrawn or suspended from  
12 practice, he may subject to the provisions of subsection (2) of this section,  
13 make an application for the restoration of his licence.

Restoration of  
licence

14           (2) A private investigator whose licence was withdrawn or  
15 suspended may apply for a restoration of licence showing special emergent  
16 facts to that effect.

17           7.-(1) There shall be a committee to be called Private Investigators  
18 Remuneration Committee, which shall consist of:

Remuneration of  
private investigators  
(Scale of Charges)

19           (a) The Attorney General of the Federation, who shall be the  
20 chairman;

21           (b) The Director General of the Salaries and Wages Commission;

22           (c) The Director General, National Bureau of Statistics;

23           (d) Two members of the professional association of private  
24 investigators

25           (2) The quorum of the committee shall be three, of whom one shall  
26 be the chairman of the committee or some other member of the committee  
27 nominated by him to act as chairman of the committee on the occasion in  
28 question.

29           (3) The committee shall have power to make orders regulating  
30 generally the charges of professional fees and without prejudice to the

1     generality of that power, any such order may include provision as to all or any  
2     of the following matters, that is to say:

3             (a) The maximum charges which may be made in respect of any  
4     transaction or activity of a description specified by the order;

5             (b) The ascertainment of the charges appropriate for any transaction  
6     or activity by reference to such considerations as may be so specified;

7             (c) The taking by licenced private investigators of security for the  
8     payment of their charges and the allowance of interest with respect to the  
9     security; and

10            (d) Agreement between private investigators and their clients with  
11     respect to charges.

12            (4) The Committee shall not make an order under this section unless  
13     they have served a copy of the proposed order on the President of the  
14     professional association of licenced private investigators and have considered  
15     any representation in writing made to the committee by the association within  
16     the period of three months beginning with the date of the service of the copy;  
17     and if the president of the association within twenty days of the day on which an  
18     order under this section comes into force, signifies that the order be annulled it  
19     shall, except in relation to anything previously done by virtue of the order,  
20     cease to have effect on the day next following the date of the resolution and be  
21     deemed never to have had effect.

22            (5) Until the first order made in pursuance of this section comes into  
23     force, nothing in this section shall be construed as affecting the law in force in  
24     any part of Nigeria with respect to the remuneration of private investigators.

Offences

25            8.-(1) Subject to the provisions of this section if any person other than  
26     a licenced private investigator:

27            (a) Practices or holds himself out as a licenced private investigator;

28            (b) Takes or uses the title of a private investigator or detective;

29            (c) Wilfully takes or uses any name, title, addition or description  
30     falsely implying, or otherwise pretends, that he is a licenced private

1 investigator or is qualified to act as a licenced private investigator he is  
2 guilty of an offence and liable in the case of an offence under paragraph (a)  
3 of this subsection to a fine not exceeding N30,000 or imprisonment for a  
4 term not exceeding five years or both, and in any other case to a fine of an  
5 amount not exceeding N20,000.

6 (2) Where an offence under this Bill which has been committed by  
7 a body corporate is proved to have been committed with the consent or  
8 connivance of, or to be attributable to any neglect on the part of, any director,  
9 manager or other similar officer of the body corporate, or any person  
10 purporting to act in any such capacity, he, as well as the body corporate, shall  
11 be deemed to be guilty of that offence and shall be liable to be proceeded  
12 against and punished accordingly.

13 (3) No proceeding for an offence under this section shall be begun  
14 after the expiration of the period of three years beginning with the date of the  
15 offence.

16 (4) It is hereby declared that any agreement to transfer, either  
17 directly or indirectly, any money or thing in consideration of any act which  
18 constitutes an offence under this section is void; and any money or thing so  
19 transferred, or the value of the thing, shall be recoverable by the transferor  
20 from the transferee or from any other person by whom the offence was  
21 committed, whether or not any proceedings have been brought in respect of  
22 the offence or the time for bringing such proceedings has expired.

23 9. In this Bill unless the context otherwise requires, the following Interpretations  
24 expressions have the meaning hereby assigned to them respectively, that is  
25 to say:

26 "Criminal Justice Administration" means the legal system and associated  
27 professions with respect to law advocacy, law enforcement, prison  
28 administration, Police, security and others;

29 "Professional Association" means the trade association of licenced private  
30 investigators and detectives;

1 "President of the Association" means the person for the time being holding  
2 office as President of the Association in accordance with the constitution of the  
3 Association.

Citation

4 **10.** This Bill may be cited as the Private Investigators Bill, 2017.

5 SCHEDULE

6 (Section 4(3))

7 SUPPLEMENTARY PROVISION AS TO THE DISCIPLINARY COMMITTEE

8 *The Disciplinary Committee*

9 1. The quorum of the Disciplinary Committee shall be seven of whom  
10 five shall be persons mentioned in paragraph (c) and each of paragraphs (a) and  
11 (b) in section 4(3) of this Bill.

12 2.-(1) the Attorney General of the Federation shall make rules for the  
13 purpose of any proceedings and as to the procedure to be followed and the rules  
14 of evidence to be observed in proceedings before the Disciplinary Committee.

15 (2) The rules shall in particular provide:

16 (a) for securing that notice of the proceedings shall be given, at such  
17 time and in such manner as may be specified by the rules, to the person against  
18 whom the proceedings are brought;

19 (b) for determining who, in addition to the person aforesaid, shall be a  
20 party to the proceedings;

21 (c) for securing that any party to the proceedings shall, if he so  
22 requires, be entitled to be heard by the Disciplinary Committee;

23 (d) for enabling any party to the proceedings to be represented by a  
24 legal practitioner;

25 (e) for requiring, in case where it is alleged that the person against  
26 whom the proceedings are brought is guilty of infamous conduct in any  
27 professional respect, that where the Disciplinary Committee adjudges that the  
28 allegation has not been proved it shall record a finding that the person is not  
29 guilty of such conduct in respect of the matter to which the allegation relates;

30 (f) for publishing in the Federal Gazette notice of any direction of the



1 Disciplinary Committee which has taken effect providing that a person's  
2 licence shall remain suspended from practice.

3 3. It shall be the duty of the Solicitor General of the Federation to  
4 afford to the Disciplinary Committee such facilities, whether by way of  
5 accommodation, secretarial assistance or otherwise, as the Disciplinary  
6 Committee may reasonably require for the purpose of its functions.

7 4.-(1) subject to the provisions of section 4 of this Bill, a person  
8 appointed as a member of the Disciplinary Committee shall, unless he  
9 previously resigns, hold office for such term, not exceeding three years, as  
10 may be specified in his instrument of appointment.

11 (2) a person ceasing to be a member of the Disciplinary Committee  
12 shall be eligible for reappointment as a member of that body.

13 (3) a person may, if otherwise eligible, be a member of both the  
14 Disciplinary Committee and if necessary Appeal Committee, but no person  
15 who acted as a member of the Disciplinary Committee in any case shall act  
16 as a member of the Appeal Committee with respect to that case

17 5. the Attorney General of the Federation may, if he thinks fit,  
18 delegate his powers for the purposes of any case to such person as he may  
19 think fit to act in his place as a member of the Disciplinary Committee; and  
20 the references to the Attorney General of the Federation in this schedule or  
21 section 4 of this Bill shall be construed accordingly.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide a framework for the licencing and practice of private investigators. It also provides for a system of regulation, control and conduct of the practice so as to ensure professional standards.

