

A BILL

FOR

AN ACT TO PROVIDE FOR LICENSING AND REGULATION OF PRIVATE
DETECTIVES AND INVESTIGATORS AND FOR OTHER MATTERS CONNECTED
THEREWITH

Sponsored by Senator Ike Ekweremadu

[] Commencement

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

- 1 1.-(a) It shall be lawful for the Minister to issue license to a person, Powers of the
- 2 firm, corporation, or other legal entity to act as or provide the functions of a Minister
- 3 private detective and investigator;
- 4 (b) A person, firm, corporation, or other legal entity so licensed
- 5 may seek and obtain information for a client relating to any of the following:
- 6 (i) Crimes or wrongs done or threatened against the Federal
- 7 Republic of Nigeria or any State or Local Government of Nigeria;
- 8 (ii) The identity, habits, conduct, business, occupation, honesty,
- 9 credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
- 10 movements, whereabouts, affiliations, associations, transactions, acts,
- 11 reputation, or character of any person, firm or other entity;
- 12 (iii) The location, disposition, or recovery for lost or stolen
- 13 property;
- 14 (iv) The location, disposition, or recovery for fires, libels, losses,
- 15 accidents, or injuries to individuals or real or personal property;
- 16 (v) The truth or falsity of any statement or representation;
- 17 (vi) Securing evidence to be used before any court, tribunal, board
- 18 or investigating body.
- 19 (vii) The protection of individuals from bodily harm or death.

Application and
Licensure

1 2.-(a) The Minister, upon application and after the applicant's
2 satisfactory completion of the requirements set forth in this Act and any rules or
3 regulations made by the Minister thereto, may issue an applicant a license to
4 conduct business as a private detective and investigator indicating the name,
5 license number and business location of the licensee and the date of expiration;

6 (b) A license granted under this Act may be renewed upon application
7 and payment of a renewal fee and fulfilling all requirements set by any Rules or
8 Regulations made by the Minister under this Act.

Qualifications
for Licensure of
individual

9 3. The Minister shall issue a license to conduct business as a private
10 detective and investigator if satisfied that the applicant is a person who meets
11 all of the following qualifications:

12 (a) Is a citizen of the Federal Republic of Nigeria;

13 (b) Is not a minor;

14 (c) Has not been convicted of an offence involving any of the
15 following:

16 (i) Dishonesty or fraud;

17 (ii) Unauthorised divulging or selling of information or evidence;

18 (iii) Impersonation;

19 (iv) Illegally using, carrying, or possessing a firearm or dangerous
20 weapon;

21 (v) Drug or alcohol offences;

22 (vi) An assault.

23 (d) Has not been dismissed from the armed forces, para-military
24 services, police or any law enforcement agency;

25 (e) Has complied with any other condition that may be set by any
26 Rules or Regulations made by the Minister under this Act.

Qualifications
for Licensure of
Agency

27 4. The Minister shall issue a license to conduct business as a private
28 detective and investigative agency to a firm, corporation or other legal entity
29 who meets all of the following qualifications:

1 (a) Is duly registered under the laws of the Federal Republic of
2 Nigeria;

3 (b) Is duly authorised by its memorandum and articles of
4 association to engage in the business of a private detective and investigative
5 agency;

6 (c) At least one partner or director was an officer of the Nigerian
7 Police or Armed Forces not below the rank of Assistant Superintendent of
8 Police, or Lieutenant and its equivalent or has obtained relevant private
9 detective and investigative training;

10 (d) The agency has at least a full time executive licensee-in-charge,
11 which shall be a continuing requirement for agency licensure, provided that
12 no private detective or investigator shall be the licensee-in-charge for more
13 than one agency.

14 5.-(a) An applicant shall execute, deliver and file with the Minister
15 a bond in a sum as may be determined by the Minister and conditioned for
16 the faithful and honest conduct of the business by the applicant. In lieu of a
17 bond, the applicant may furnish a policy of insurance in a sum to be
18 determined by the Minister for injury or death arising out of the operation of
19 the licensed activity;

Bond or
Insurance

20 (b) The bonds or insurance shall be taken to the effect that any
21 person injured by the willful, malicious, and wrongful act of the licensee
22 may bring an action on the bond or insurance in his or her own name to
23 recover damages suffered by reason of such willful, malicious, and
24 wrongful act.

25 6.-(a) A licensee may employ as many persons as considered
26 necessary to assist in the work and in the conduct of the business of the
27 licensee;

Employees
requirement

28 (b) At all times during the employment, the licensee shall be
29 responsible for the good conduct in the business of each person so
30 employed;

1 (c) A licensee shall keep adequate and complete records of all persons
2 employed which records shall be forwarded to the Minister on forms
3 prescribed by the Rules or Regulation made under this Act:

4 (d) A licensee shall issue an identification card to each of his or its
5 employee. This identification card shall contain photograph of the employee,
6 the employee's name, the name and license number of the licensee, the date of
7 issuance, the signature of the employee and the licensee or its Chief Executive
8 in the case of a firm and an identification card number;

9 (e) Any person who is or has been an employee of a licensee shall not
10 divulge to anyone other than his employer, or as the employer shall direct, or as
11 may be required by law, any information acquired by him during his
12 employment in respect of any work to which he shall have been assigned by the
13 employer;

14 (f) Any employee violating the provisions of this section and any
15 employee who willfully makes a false report to his employer in respect of any
16 work is guilty of any offence and liable on conviction to a term of
17 imprisonment not exceeding 3 years or a fine in the sum not exceeding
18 N500,000;

19 (g) Any officer, director, or employee of a licensed agency who
20 willfully furnishes false information to clients, or who willfully sells, divulges
21 or otherwise discloses to any other person information obtained in the course of
22 his employment, except as may be required during employment by the client, is
23 guilty of an offence and is subject to summary suspension of license and
24 revocation of license upon satisfactory proof of the offence to the Minister;

25 (h) Any communications, oral or written, furnished by a professional
26 or client to a licensee or any information secured in connection with an
27 assignment for a client, is considered privileged with the same authority and
28 dignity as are other privileged communication recognized by the courts.

29 7.-(a) A licensee shall prominently display his individual or agency
30 license at each place where business is being conducted:

1 (b) A licensee shall not use any designation or trade name which
2 has not been first approved by the Minister and shall not use any designation
3 or trade name that implies any association with any local, state or federal
4 government;

5 (c) A licensee that receives or generates a written or electronic
6 report shall keep the report or file in the office of the licensee for at least 5
7 years unless the file is returned to the client.

8 8. This Act does not apply to any of the following:

General exemptions

9 (a) An employee of the Federal, State or Local Government in the
10 performance of his official duties within the scope of his employment;

11 (b) Insurance adjusters employed as such who engage in no other
12 investigative activities other than those directly connected with adjustment
13 of claims against an insurance company and does not use the term
14 "investigation" or any derivative thereof, in its name or its advertising;

15 (c) Legal Practitioners in the exercise of their professional duties.

16 9.-(a) A person, firm, corporation or other legal entity shall not
17 engage in the business or practice of private detective and investigator and
18 shall not advertise his or its business or practice to be that of private
19 detective and investigator without first obtaining license from the Minister;

Offences

20 (b) A person, firm, corporation or other legal entity violating this
21 section is guilty of an offence and shall be liable upon conviction to a term of
22 imprisonment not exceeding 3 years or a fine not exceeding N500,000.

23 10. It is unlawful for a licensee or any employee of a licensee:

24 (a) Upon termination of employment by the agency, to fail to return
25 within 7 days of termination of employment any uniform, badge,
26 identification card, or equipment issued to the employee by the agency;

27 (b) To falsify the employee's record filed with the Minister under
28 this Act;

29 (c) To imply in any manner that the person is an employee or agent
30 of a state law enforcement agency.

Disciplinary
powers of the
Minister

- 1 (d) To use, carry, or possess firearm without license.
- 2 **11.** The Minister may deny issuance, refuse to renew, or restore or
3 may reprimand, place on probation, suspend, or revoke any license,
4 registration, identification card and he may impose a fine not exceeding
5 N500,000 for any of the following:
- 6 (a) Professional incompetence as manifested by poor standards of
7 service;
- 8 (b) Engaging in dishonourable, unethical, or unprofessional conduct
9 of a character likely to deceive, defraud or harm the public;
- 10 (c) Performing any services in a grossly negligent manner or
11 permitting any of a licensee's employees to perform services in grossly
12 negligent manner, regardless of whether actual damage to the public is
13 established;
- 14 (d) Willfully deceiving or defrauding the public on a material matter;
- 15 (e) Failing to account for or remit moneys or documents coming into
16 the licensee's possession that belong to another person or entity;
- 17 (f) Giving differential treatment to a person that is to that person's
18 detriment because of sex, religion or ethnic origin;
- 19 (g) Engaging in false or misleading advertising;
- 20 (h) Purporting to be a licensee-in-charge of any agency without active
21 participation in the agency;
- 22 (i) Failing to comply with any provision of this Act, or any rule or
23 regulations made under it.

Prosecution of
Crime

- 24 **12.**-(a) A person may make a request in writing to the Attorney-
25 General to initiate criminal proceedings against any other person based on the
26 report of a private detective or investigator provided that such request also
27 furnishes a detailed report of investigation of crime by licensee under this Act;
- 28 (b) The Attorney-General shall if satisfied that there is reasonable
29 ground for prosecution cause criminal proceedings to be commenced;
- 30 (c) Any person who makes a request may also apply by a legal

1 practitioner for a fiat of the Attorney-General to prosecute under this section
 2 and the Attorney-General shall not unreasonably withhold the granting of
 3 such fiat.

4 13. The Minister may from time to time make rules and Regulations made
 5 regulations for carrying into effect and administering the provisions of this by the Minister
 6 Act.

7 14. Unless otherwise provided, any person who violates any of the Miscellaneous
 8 provisions of this Act or a rule or regulation made under it shall be guilty of Offences
 9 an offence and shall be liable upon conviction to a term of imprisonment not
 10 exceeding 3 years or a fine not exceeding N500,000.

11 15. In this Act, the masculine gender, wherever it appears, includes Gender Definition
 12 the feminine gender.

13 16. In this Act, unless the context otherwise requires, the Definitions
 14 following expression have the meanings hereby assigned to them
 15 respectively, that is to say:

16 "Agency" means a person, firm, corporation, or other legal entity that
 17 engages in the private detective business and employs, in addition to
 18 licensee-in-charge, one or more persons in conducting such business;

19 "Applicant" means a person, firm, corporation or other legal entity applying
 20 for license under this Act;

21 "Attorney-General" means Attorney-General of the Federation and Minister
 22 for Justice;

23 "Corporation" means an artificial person or legal entity created by or under
 24 the authority of the laws of the Federation including but not limited to a
 25 partnership, limited liability company, or any other legal entity;

26 "Employee" means a person who works for a person or agency that has the
 27 right to control the details of the work performed;

28 "Licensee" means a person, firm, corporation or other entity licensed under
 29 this Act;

30 "Licensee-in-charge" means a person who is the Chief Executive Officer of

1 an agency and in full time employment of the agency or owner who assumes
2 responsibility for assuring the licensed agency's compliance with the
3 provisions of this Act;

4 "Minister" means the Minister responsible for Police Affairs or any other
5 Minister that may be charged with responsibility for administering this Act;

6 "Private Detective" or "Private Investigator" means a person who by any
7 means, including but not limited to manual or electronic methods, engages in
8 the business of, accepts employment to furnish, or agrees to make or makes
9 investigations for a fee or other considerations for the purposes of obtaining
10 information relating to any of the following:

11 (i) Crimes or wrongs done or threatened against the Federal Republic
12 of Nigeria, any State or Local Government of Nigeria;

13 (ii) The identity, habits, conduct, business, occupation, honesty,
14 credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
15 movements, whereabouts, affiliations, associations, transactions, acts,
16 reputation, or character of any person, firm or other entity;

17 (iii) The location, disposition, or recovery of lost or stolen property;

18 (iv) The cause, Origin, or responsibility for fires, libels, losses,
19 accidents, or injuries to individuals or real or personal property;

20 (v) The truth or falsity of any statement or representation;

21 (vi) Securing evidence to be used before any court, tribunal, and
22 board or investigating body;

23 (vii) The protection of individuals from bodily harm or death.

Short Title

24 17. This Bill may be cited as Private Detectives and Investigators
25 Bill, 2017.

EXPLANATORY NOTES

This Act seeks to license and regulate private detectives and investigators.