

A BILL

FOR

AN ACT TO AMEND THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (ESTABLISHMENT) ACT 2004, PART II SECTION 5 BY INSERTING TAX EVASION AND NON CONVICTION CASES BASED ON ASSET FORFEITURE TO PROVIDE FOR ADDITIONAL FUNCTIONS AND FOR OTHER RELATED MATTERS

Sponsored by Senator Dino Melaye

[] Commencement

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

1 **1.** Part II Section 5 of the Economic and Financial Crimes
2 Commission Establishment Act 2004 (herein referred to as the “Principal
3 Act”) is amended as set out in this Act. Amendment of
2004 No. 5(b) &
(c)

4 **2.**-(1) Section 5(1)(b) of the Principal Act is amended by inserting
5 immediately after Section (a) the following:

6 (b) to handle Tax Evasion.

7 **3.** Section (c) of the Principal Act is amended by substituting the Amendment of
Section 5(b)
8 whole paragraph for the following, "and non conviction cases based on
9 Asset forfeiture in light of the undue prolongation of trial and prosecution of
10 corruption cases.

11 **4.**-(1) Section 5(b) of the Principal Act is amended by renumbering
12 same to read Section 5-(1):

13 (b) the Investigation of all Financial Crimes including advance fee
14 fraud, money laundering, counterfeiting, illegal charge transfer, future
15 market fraud, fraudulent encashment of negotiable instruments, computer
16 credit card fraud, contract scam and all tax evasion cases.

17 **5.** WHILE Section 5(c) of the Principal Ac is amended to read as Amendment of
Section 5©
18 follows:

1 (c) the co-ordination and enforcement of all economic and financial
2 crimes laws and enforcement functions conferred on any other person or
3 authority and non conviction cases based on Asset forfeiture.

4 PART II - FUNCTIONS OF THE COMMISSION, ETC

Functions of
the Commission

5 **6.**-(1) The Commission shall be responsible for:

6 (a) the enforcement and the due administration of the provisions of
7 this Act;

8 (b) In the investigation of all financial crimes including advance fee
9 fraud, money laundering, counterfeiting, illegal charge transfers, futures
10 market fraud, fraudulent encashment of negotiable instruments, computer
11 credit card fraud, contract scam, etc.;

12 (c) the co-ordination and enforcement of all economic and financial
13 crimes laws and enforcement functions conferred on any other person or
14 authority;

15 (d) In the adopted of measures to identify, trace, freeze, confiscate or
16 seize proceeds derived from terrorist activities, economic and financial crimes
17 related offences or, the properties the value of which corresponds to such
18 proceeds;

19 (e) the adopted of measures to eradicate the commission of economic
20 and financial, crimes;

21 (f) the adopted of measures which includes coordinated, preventive
22 and techniques on the prevention of economic and financial related crimes;

23 (g) the facilitation of rapid exchange of scientific and technical
24 information and the conduct of Joint operations geared towards the eradication
25 of economic and financial crimes;

26 (h) the examination and investigation of all reported cases of
27 economic and financial crimes with a view to identifying individuals,
28 corporate bodies or groups involved;

29 (i) the examination of the extent of financial loss and such other losses
30 by government, private individuals or organizations;

1 (j) collaborating with government bodies both within and outside
2 Nigeria carrying on functions wholly or in part analogous with those of the
3 Commission concerning:

4 (i) the identification, determination of the whereabouts and
5 activities of persons suspected of being involved in economic and financial
6 crimes;

7 (ii) the movement of proceeds or properties derived from the
8 commission of economic and financial and other related crimes;

9 (iii) the exchange of personnel or other experts;

10 (iv) the establishment and maintenance of a system for monitoring
11 international economic and financial crimes in order to identify suspicious
12 transactions and, persons involved;

13 (v) maintaining data, statistics, records and reports on persons,
14 organization, proceeds, properties, documents, or other items or assets
15 involved in economic and financial crimes;

16 (vi) undertaking research and similar works with a view to
17 determining the manifestation, extent, magnitude and effects of economic
18 and financial crimes and advising government on appropriate intervention
19 measures for combating same.

20 (k) Taking charge of, supervising, controlling, coordinating all the
21 responsibilities, functions and activities relating to the current investigation
22 and prosecution of all offences connected with or relating to economic and
23 financial crimes, in consultation with the Attorney-General of the
24 Federation;

25 (l) the co-ordination of all existing economic and financial crimes
26 investigating units in Nigeria;

27 (m) maintaining a liaison with office of the Attorney-General of the
28 Federation, the Nigerian Customs Service, the Immigration and Prison
29 Service board, the central bank of Nigeria, the Nigerian Deposit Insurance
30 Corporation, the National Drug Law Enforcement Agency, all government

1 Security and law enforcement agencies and such other financial supervisory
2 institutions in the eradication of economic and financial crimes;

3 (n) carrying out and sustaining rigorous public and enlightenment
4 campaign against economic and financial crimes within and outside Nigeria;
5 and

6 (o) carrying out such other activities as are necessary or expedient for
7 the full, discharge of all or any of the functions conferred on it under this Act.

Special powers
of the Commission

8 **7.-(1)** The Commission has power special:

9 (a) cause investigations to be conducted as to whether any person has
10 of committed an offence under this Act;

11 (b) with a view to ascertaining whether any person has been in
12 offences under this Act or in the proceeds of any such offences, cause
13 investigations to be conducted into the properties of any person if it appears to
14 the Commission that the person's life style and extent of the properties are not
15 justified by this source of income.

16 (2) The Commission is charged with the responsibility of enforcing
17 the provisions of:

18 (a) the money Laundering Act 1995;

19 (b) the Advance fee Fraud Related Offences Act 1995;

20 (c) the Failed banks (Recovery of Debts) and Financial malpractice in
21 banks Act 1994 as amended;

1991 No. 2
Cap. 410 LFN

22 (d) the banks and other Financial Institutions Act 1991, as amended;

23 and

24 (e) Miscellaneous Offences Act; and

25 (f) any other law or regulations relating to economic and financial
26 crime.

27 **PART III - STAFF OF THE COMMISSION**

Appointment of
Director-General
and other staff
of the Commission

28 **8.-(1)** There shall be established for the Commission a secretariat
29 which shall be headed by a Director - General who shall be appointed by the
30 President.

- 1 (2) The Director-General shall be:
- 2 (a) the head of the secretariat of the Commission;
- 3 (b) responsible;
- 4 (c) be appointed for a term of five years in the instance and may be
- 5 re-appointed for a further terms of five years subject to satisfactory
- 6 performance; and
- 7 (d) subject to the supervision and control of the Chairman and the
- 8 Commission.
- 9 (3) The Commission may from time to time, appointed such other
- 10 staff or second officers from government security or law enforcement
- 11 agencies or such other private or public services as it may deem necessary, to
- 12 assist the commission in the performance of its functions under this Act.
- 13 (4) The staff of the Commission appointed under subsection (3) of
- 14 this section, shall be appointed upon such terms and conditions as the
- 15 commission may, after consultation with the Federal Civil Service
- 16 Commission, determine.
- 17 9.-(1) The Commission may, subject to the provision of this Act,
- 18 make staff regulations relating generally to the conditions of service of the
- 19 employees of the commission and without prejudice to the generality of the
- 20 foregoing, the regulations may provide for:
- 21 (a) the appointed, promotion and disciplinary control (including
- 22 dismissal; or employees of the Commission; and
- 23 (b) appeals by such employees against dismissal or other
- 24 disciplinary measures, and until the regulations are made, any instrument
- 25 relating to the conditions of service of officers in the Civil Service of the
- 26 Federation shall be applicable, with such modifications as may be necessary
- 27 to the employees of the Commission.
- 28 (2) Staff regulations made under subsection (1) of this section shall
- 29 not have effect until approved by the Commission, and when so approved
- 30 the regulations may not be published in the Gazette but the Commission

1 shall cause them to be brought to the notice of all affected person in, such
2 manner as it may, from time to time, determine.

3 **10.**-(1) The Commission shall Initiate, develop or improve specific
4 training programmes for its law enforcement and other personnel charged with
5 responsibility for the eradication of offences created by this Act and such
6 programmes shall include.

Citation

7 **11.** This Bill may be cited as Economic and Financial Crime
8 Commission Establishment Act (Amended) Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Economic and Financial Crime Commission Establishment Act 2004 in light of the Undue prolongation trial and prosecution of corruption cases.