

A BILL

FOR

AN ACT TO REPEAL THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT CAP C15 LAWS OF THE FEDERATION OF NIGERIA 2004 AND ENACT THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT 2020, TO DEFINE THE POWERS OF THE BUREAU, ENSURE APPOINTMENT OF MORE MEMBERS OF THE TRIBUNAL, MAKE PROVISION FOR QUORUM, EMPOWER THE CHAIRMAN OF THE TRIBUNAL TO MAKE RULES FOR THE CONDUCT OF PROCEEDINGS AND ENSURE INDEPENDENCE OF THE TRIBUNAL AND FOR RELATED MATTERS

Sponsored by Hon. Olajide Olatubosun

[] Commencement

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

1 **1.**-(1) There is hereby established a bureau to be known as the Code
2 of Conduct Bureau (in this Act referred to as "the Bureau").

Establishment
of the Code of
Conduct Bureau

3 (2) The Bureau shall consist of a chairman and nine other members
4 who shall be:

5 (a) persons of unimpeachable integrity III the Nigerian society;

6 and

7 (b) at the time of appointment, not less than fifty years.

8 (3) The chairman and the other members shall be appointed by the
9 President subject to confirmation of the Senate.

10 (4) The chairman and any member shall vacate office upon
11 attaining the age of seventy.

12 **2.** The aims and objectives of the Bureau shall be to establish and
13 maintain a high standard of morality in the conduct of government business
14 and to ensure that the actions and behaviour of public officers conform to the
15 highest standards of public morality and accountability.

Aims and
Objectives of the
Bureau

Functions of
the Bureau

- 1 **3.** The functions of the Bureau shall be to:
- 2 (a) ensure that every public officer declares his assets in accordance
- 3 with the provisions of this Act;
- 4 (b) examine the assets declarations and ensure that they comply with
- 5 the requirements of this Act and of any law for the time being in force;
- 6 (c) retain custody of such declarations and make them available for
- 7 inspection by any citizen of Nigeria on such terms and conditions as the
- 8 National Assembly may prescribe;
- 9 (d) ensure compliance with and, where appropriate, enforce the
- 10 provisions of the Code of Conduct or any law relating thereto;
- 11 (e) receive complaints about non-compliance with or breach of the
- 12 provisions of the Code of Conduct or any law in relation thereto and investigate
- 13 the complaint;
- 14 (f) make rules and procedure for bringing complaints and prescribe
- 15 penalties for non-compliance or breach or other cases where necessary;
- 16 (g) invite the person against whom a complaint is made for
- 17 interrogation in the course of the investigation of the matter;
- 18 (h) constitute a legal department for the purposes of investigation,
- 19 institution and prosecution of public officers subject to the provisions of the
- 20 Administration of Criminal Justice Act, for breach or non-compliance with the
- 21 Code of Conduct or any other law thereof;
- 22 (i) request for and to apprehend and prosecute any public officer that
- 23 fails to declare his or her assets as required by law;
- 24 (j) subject to the powers of the Attorney- General, institute and
- 25 prosecute a matter at the Code of Conduct Tribunal where it is satisfied after
- 26 investigation that such a matter requires prosecution;
- 27 (k) engage the services of external solicitors if contingencies so
- 28 dictate to undertake any prosecution or assist in the prosecution of any matter
- 29 on behalf of the Bureau;
- 30 (l) appoint, promote, dismiss and exercise disciplinary control over

1 the staff of the Code of Conduct Bureau; and

2 (m) carry out such other functions as may be conferred upon it by
3 the National Assembly.

4 **4.-(1)** Subject to the provisions of this Act, the tenure of office of
5 staff of the Bureau shall be the same as that provided for in respect of officers
6 in the civil service of the Federation.

Members of Staff
of the Bureau

7 (2) The power to appoint members of staff of the Bureau and to
8 exercise disciplinary control over them shall vest in the Bureau, and shall be
9 exercisable in accordance with the provisions of rules and regulations as
10 may, from time to time, be made by the President.

11 **5.** A public officer shall not put himself in a position where his
12 personal interest conflicts with his duties and responsibilities.

Conflict of
Interest with duty

13 **6.** Without prejudice to the generality of section 5 of this Act, a
14 public officer shall not:

Restriction on
specified officers

15 (a) receive or be paid the emoluments of any public office at the
16 same time as he receives or is paid the emoluments of any other public
17 office; or

18 (b) except where he is not employed on full-time basis, engage or
19 participate in the management or running of any private business, profession
20 or trade; but nothing in this paragraph shall prevent a public officer from
21 engaging in farming or participating in the management or running of any
22 farm .

23 **7.** Any public officer specified in the Second Schedule to this Act
24 or any other persons as the President may, from time to time, by order
25 prescribe, shall not maintain or operate a bank account in any country
26 outside Nigeria.

Prohibition of
Foreign Accounts

27 **8.** A public officer shall not after his retirement from public service
28 and while receiving pension from public funds, accept more than one
29 remunerative position as chairman, director or employee of a company
30 owned or controlled by any Government or public authority or receive any

Retired Public
Officers

1 other remuneration from public funds in addition to his pension and the
2 emolument of one such remunerative position.

Certain Retired
Public Officers

3 **9.**-(1) Retired Public officers who have held offices to which this
4 section applies are prohibited from service or employment in foreign
5 companies or foreign enterprises.

6 (2) This section applies to the office of President, Vice-President,
7 Chief Justice of Nigeria, Governor and Deputy Governor of a State.

Gifts or benefits
in land

8 **10.**-(1) A public officer shall not ask for or accept any property or
9 benefits of any kind for himself or any other person on account of anything
10 done or omitted to be done by him in the discharge of his duties.

11 (2) For the purposes of subsection (1) of this section, the receipt by a
12 public officer of any gifts or benefits from commercial firms, business
13 enterprises or persons who have contracts with the Government, shall be
14 presumed to have been received in contravention of subsection (1) of this
15 section, unless the contrary is proved.

16 (3) A public officer shall only accept personal gifts or benefits from
17 relatives or personal friends to such extent and on such occasions as are
18 recognised by custom:

19 Provided that any gift or benefit to a public officer on any public or
20 ceremonial occasion shall be treated as gifts or benefits to the appropriate
21 institution represented by the public officer, and accordingly, the mere
22 acceptance or receipt of any such gift or benefit shall not be treated as a
23 contravention of this provision.

Restriction on
Loans, Gifts or
Benefits to certain
Public Officers

24 **11.** The President or Vice-President, Governor or Deputy Governor,
25 Minister of the Government of the Federation or Commissioner of the
26 Government of a State or any other public officer who holds office of a
27 Director-General or head of any public corporation, university, or other
28 parastatal organisation shall not accept:

29 (a) a loan, except from government or any of its agencies or a bank,
30 building society or other financial institution recognised by law; or

1 (b) any benefit of whatever nature from any company, contractor,
2 businessman or the nominee or agent of such person: Provided that the head
3 of a public corporation or of a university or other parastatal organisation
4 may, subject to the rules and regulations of any such body, accept a loan from
5 any such body.

6 **12.** No person shall offer a public officer any property, gift or
7 benefit of any kind as an inducement or bribe for the granting of any favour
8 or the discharge in his favour of the public officer's duties.

Bribery of Public
Officers

9 **13.** A public officer shall not do or direct to be done, in abuse of his
10 office, any act prejudicial to the rights of any other person, knowing that
11 such act is unlawful or contrary to any government policy.

Abuse of Powers

12 **14.** A public officer shall not be a member of or belong to or take
13 part in any society the membership of which is incompatible with the
14 functions or dignity of his office.

Membership of
Societies

15 **15.-(1)** Every public officer shall, within fifteen months after the
16 coming into force of this Act or immediately after taking office and
17 thereafter:

Declaration of
Assets

18 (a) at the end of every four years;

19 (b) at the end of his term of office; and

20 (c) in the case of a serving officer, within thirty days of the receipt
21 of the form from the Bureau or at such other intervals as the Bureau may
22 specify, submit to the Bureau a written declaration in the Form prescribed in
23 the First Schedule to this Act or, in such form as the Bureau may, from time
24 to time, specify, of all his properties, assets and liabilities and those of his
25 spouse or unmarried children under the age of twenty-one years.

26 (2) Any statement in any declaration that is found to be false by any
27 authority or person authorised in that behalf to verify it, shall be deemed to
28 be a breach of this Act.

29 (3) Any property or assets acquired by a public officer after any
30 declaration required by subsection (1) of this section and which is not fairly

Allegation of
breach of Provisions
of the Act

1 attributable to income, gifts or loan approved by this Act, shall be deemed to
2 have been acquired in breach of this Act unless the contrary is proved.

3 **16.**-(1) Any complaint that a public officer has committed a breach of
4 or has not complied with the provisions of this Act shall be made to the Bureau.

5 (2) Upon the receipt of any complaint, the Bureau shall cause a notice
6 to be served on the public officer concerned to appear before it within a period
7 of fourteen days from the service of the said notice.

8 (3) The Bureau shall, upon the commencement of investigation, serve
9 a notice debarring the public officer concerned from disposing of or otherwise
10 dealing with any property, which is the subject of investigation.

11 (4) The Bureau may decline to conduct investigation into any
12 complaint alleging an offence under this Act or proceed with an investigation
13 earlier commenced if it is satisfied that the complaint is frivolous.

14 (5) Any person who knowingly makes a false report or complaint to
15 the Bureau shall be guilty of an offence under this Act and shall be liable on
16 conviction to a fine of fifty thousand naira or imprisonment for a term of one
17 year.

18 (6) Any person who wilfully refuses to appear before the Bureau
19 when invited shall be guilty of an offence under this Act and shall be liable on
20 conviction to a fine of twenty thousand naira or imprisonment for a term of six
21 months.

22 (7) Any person who wilfully refuses to produce any document or
23 disclose any information or account as required under this Act shall be guilty of
24 an offence and liable on conviction to a fine of twenty thousand naira or
25 imprisonment for a term of six months.

26 (8) Any person who wilfully obstructs, resists or assaults an officer of
27 the Bureau or Tribunal in the execution of his duties under this Act shall be
28 guilty of an offence and liable on conviction to a fine of fifty thousand naira or
29 imprisonment for a term of one year.

30 (9) Any public officer who knowingly transfers a property that is

1 subject matter of investigation after receiving a notice barring him from
2 doing so shall be guilty of an offence and liable on conviction to a fine of one
3 hundred thousand naira or imprisonment for a term of two years.

4 **17.** A public officer who does any act prohibited by this Act
5 through a nominee, trustee or other agent shall be deemed ipso facto to have
6 committed a breach of this Act.

Agents and
Nominees

7 **18.** The Chairman and other members of the Bureau shall not be
8 liable, and shall be indemnified, in any action or litigation for any acts or
9 omissions done or purported to be done in the course of the discharge of their
10 duties under this Act.

Indemnity of
Members of the
Bureau

11 **19.**-(1) There is hereby established a tribunal to be known as the
12 Code of Conduct Tribunal (in this Act referred to as "the Tribunal").

Establishment
of Code of Conduct
Tribunal

13 (2) The Tribunal shall consist of:

14 (a) the Chairman of the Tribunal who shall have overall control and
15 supervision of the administration of the Tribunal; and

16 (b) such number of persons as the President may appoint as
17 Members on the recommendation of the National Judicial Council.

18 (3) The Chairman shall be a person who has held or is qualified to
19 hold office as a Judge of a superior court of record in Nigeria, with
20 experience in public service administration in Nigeria and shall receive such
21 remuneration as may be prescribed by law.

22 (4) A person shall not be eligible to hold office of a Member of the
23 Tribunal unless the person is qualified to practise as a legal practitioner in
24 Nigeria and has been so qualified for a period of not less than ten years with
25 experience in public service administration and shall receive such
26 remuneration as may be prescribed by law.

27 (5) Any amounts payable under this section shall be charged and
28 paid out of the Consolidated Revenue Fund of the Federation in accordance
29 with section 81 (3) of the Constitution of the Federal Republic of Nigeria
30 1999.

1 (6) The National Assembly may by law, confer on the Tribunal such
2 additional powers as may appear to it to be necessary to enable the Tribunal to
3 discharge more effectively the functions conferred on it under this Act.

4 (7) If the office of the Chairman of the Tribunal is vacant, or if the
5 person holding the office is for any reason unable to perform the functions of
6 the office, then until a person has been appointed to and assumed the functions
7 of that office or until the person holding the office has resumed those functions,
8 the President shall appoint the most senior Member of the Tribunal having the
9 qualification to be appointed as Chairman of the Tribunal as provided under
10 subsection (3) of this section to perform those functions.

11 (8) Except on the recommendation of the National Judicial Council,
12 an appointment pursuant to the provisions of subsection (6) of this section shall
13 cease to have effect after the expiration of three months from the date of such
14 appointment and the President shall not re-appoint a person whose
15 appointment has lapsed.

16 (9) Notwithstanding the provision of subsection (1), (2), (3) and (4) of
17 this section, any person holding the office of the Chairman or Member of the
18 Tribunal immediately before the commencement of this Act shall be deemed to
19 have been appointed under this Act.

Tenure of office
of the Chairman
and Members
of the Tribunal

20 **20.** The provision in the Constitution of the Federal Republic of
21 Nigeria 1999 relating to the tenure, removal, gratuity and pension of any
22 person holding or appointed to act in the office of the Chief Judge or Judge of
23 the Federal High Court, shall respectively apply to any person holding or
24 appointed to act in the office of the Chairman of the Tribunal or as a Member of
25 the Tribunal.

Precedence

26 **21.**-(1) The Chairman of the Tribunal shall take precedence over the
27 other Members of the Tribunal, and other Members shall take precedence after
28 the Chairman of the Tribunal in order of seniority.

29 (2) The Chairman of the Tribunal shall rank equal with the Chief
30 Judge of the Federal High Court or of the High Court of the Federal Capital

1 Territory, and Members shall, in like manner, rank with the Judges of the
2 Federal High Court or High Court of the Federal Capital Territory, Abuja in
3 precedence.

4 **22.** The Chairman shall have power to:

Powers of the
Chairman

5 (1) establish zonal offices of the Tribunal in any State of the
6 Country as exigencies may demand for effective dispensation of justice;
7 provided that more than one office shall not be established in a state;

8 (2) constitute a Panel of the Tribunal of not less than three
9 members, one of whom shall be designated as Chairman for the purposes of
10 sitting and administration at each of the zonal office;

11 (3) make rules of procedure or practice direction for the Tribunal;
12 and

13 (4) carry out any other function as may be necessary for effective
14 administration of the Tribunal.

15 **23.** The Tribunal shall be constituted by the Chairman or the
16 Chairman designate and not less than two other members for the purpose of
17 any sitting.

Quorum

18 **24.**-(1) The tenure of office of the staff of the Tribunal shall, subject
19 to the provisions of this Act, be the same as that provided for in respect of
20 officers in the civil service of the Federation.

Staff

21 (2) The power to appoint the staff of the Tribunal and to exercise
22 disciplinary control over them shall vest in the members of the Tribunal and
23 shall be exercisable in accordance with the provisions of this Act.

24 **25.**-(1) Subject to the provisions of this section, a person holding
25 the office of chairman or member of the Tribunal shall vacate his office
26 when he attains the age of seventy years.

Tenure of office
of Chairman and
Members

27 (2) A person who has held office as chairman or member of the
28 Tribunal for a period of not less than ten years shall, if he retires at the age of
29 seventy years, be entitled to pension for life at a rate equivalent to his last

1 annual salary in addition to other retirement benefits to which he may be
2 entitled.

3 (3) A person holding the office of chairman or member of the Tribunal
4 shall not be removed from his office or appointment by the President except
5 upon an address supported by two-thirds majority of each House of the
6 National Assembly praying that he be so removed for inability to discharge the
7 functions of the office in question (whether arising from infirmity of mind or
8 body) or for misconduct or for contravention of the Act.

9 (4) A person holding the office of chairman or member of the Tribunal
10 shall not be removed from office before retiring age, save in accordance with
11 the provisions of this section.

Powers of the
Tribunal impose
punishment

12 **26.**-(1) Where the Tribunal finds a public officer guilty of
13 contravening any of the provisions of this Act, it shall impose upon that officer
14 any of the punishments specified under subsection (2) of this section.

15 (2) The punishment which the Tribunal may impose shall include any
16 of the following:

17 (a) vacation of office or any elective or nominated office, as the case
18 may be;

19 (b) disqualification from holding any public office (whether elective
20 or not) for a period not exceeding ten years; and

21 (c) seizure and forfeiture to the State of any property acquired in abuse
22 or corruption of office.

23 (3) The punishments mentioned in subsection (2) of this section shall
24 be without prejudice to the penalties that may be imposed by any law where the
25 breach of conduct is also a criminal offence under the Criminal Code or any
26 other enactment or law.

27 (4) Where the Tribunal gives a decision as to whether or not a person
28 is guilty of a contravention of any of the provisions of this Act, an appeal shall
29 as of right from such decision or from any punishment imposed on such person
30 to the Court of Appeal at the instance of any party to the proceedings.

1 (5) Any right of appeal to the Court of Appeal from the decision of
2 the Tribunal conferred by subsection (4) of this section shall be exercised in
3 accordance with the provisions of the rules of court for the time being in
4 force regulating the powers, practice and procedure of the Court of Appeal.

5 (6) Nothing in this section shall prejudice the prosecution of a
6 public officer punished under this section, or preclude such officer from
7 being prosecuted or punished for an offence in a court of law.

8 (7) The provisions of the Constitution of the Federal Republic of
9 Nigeria 1999, relating to prerogative of mercy, shall not apply to any
10 punishment imposed in accordance with the provisions of this section.

11 27.-(1) The rules of procedure to be adopted in any prosecution for
12 the offences under this Act before the Tribunal, and the forms to be used in
13 such prosecutions shall be as set out in the Third Schedule to this Act. [Third
14 Schedule.]

Rules of procedure
and institution of
proceedings

15 (2) Prosecutions for all offences referred to in this Act shall be
16 instituted in the name of the Federal Republic of Nigeria by the Attorney-
17 General of the Federation or such officers in the Federal Ministry of Justice
18 as the Attorney-General of the Federation may authorise so to do.

19 (3) For the purpose of subsection (2) of this section, the Attorney-
20 General of the Federation may- (a) after consultation with the Attorney-
21 General of any State in the Federation, authorise any officer of the Ministry
22 of Justice of the State concerned to undertake any such prosecutions directly
23 or assist therein; or (b) if the Tribunal so requests, or if contingencies so
24 dictate, authorise any other legal practitioner in Nigeria to undertake any
25 such prosecution or assist therein: Provided that the question whether any
26 authority has been given in pursuance of this subsection shall not be inquired
27 into by any person.

28 (4) Any person accused of any offence referred to in this Act shall
29 be entitled to defend himself in person or by a person of his own choice who
30 is a legal practitioner resident in Nigeria.

Power of issue
Search Warrants

1 **28.** Notwithstanding the provisions of any other enactment conferring
2 power to search, if the chairman of the Tribunal is satisfied that there is a
3 reasonable ground to suspect that there may be found in any building or other
4 place whatsoever, any books, records, statements or information in any form
5 whatsoever, which, in his opinion, are or may be material to the charge or any
6 trial under this Act, he may issue a warrant under his hand authorising any
7 police officer or any member of the security agencies to enter, if necessary by
8 force, the said building or other place and every part thereof, and to search for,
9 seize and remove any such material as aforesaid, found therein.

Interpretation

10 **29.** In this Act, unless the context otherwise requires:
11 "the Bureau" means the Code of Conduct Bureau established by the
12 Constitution and under section I of this Act; [Cap. C23.]
13 "business" means any profession, vocation, trade or any adventure or concern
14 in the nature of trade, and excludes farming;
15 "child" includes a step-child, a lawfully adopted child, a child born out of
16 wedlock and any child to whom any individual stands in place of a parent;
17 "emolument" means any salary, wage, overtime or leave pay, commission, fee,
18 bonus, gratuity, benefit, advantage (whether or not the allowance, pension or
19 annuity is paid, given or granted in respect of any employment or office);
20 "functions" includes powers and duties;
21 "foreign companies" or "foreign enterprises" means companies or enterprises
22 in which the controlling shares are owned by persons other than the
23 Government, its agencies or citizens of Nigeria;
24 "members" includes the members of the Bureau or the Tribunal as the case may
25 be;
26 "public officer" means a person holding any of the offices specified in the
27 Second Schedule to this Act;
28 "the Tribunal" means the Tribunal established by and under section 20 of this
29 Act.

1 30. This Bill may be cited as the Code of Conduct Bureau and Citation
2 Tribunal (Repeal and Enactment) Bill, 2020.

3 FIRST SCHEDULE

4 FORM (CCB.I)

5 [ORDER II RULE (2).]

6 Writ of summons in action in personam in the Federal High Court in the
7 Admiralty Judicial Division

8 Assets declaration form for public officers

- 9 1. Full name of declarant.....
- 10 2. Present appointment and date.....
- 11 3. Rank:.....
- 12 4. Address:.....
- 13 5. (a) Last appointment:.....
- 14 (b) Date of appointment: From..... To.....
- 15 6. Details of assets.....
- 16 (a) Cash in hand (if over N1,000).....
- 17 (b) Cash in bank in Nigeria (give particulars of banks).....
- 18
- 19 (c) Cash in bank outside Nigeria (give particulars a/banks and
- 20 countries).....
- 21
- 22 (d) Landed property in Nigeria (give details together with value of each and
- 23 annual income derived/from each):.....
- 24 Date acquired Total value Annual income
- 25 (i) Buildings.....
- 26 (ii) Farms.....
- 27 (iii) Vacant land.....
- 28 (iv) Factories.....
- 29 (v) Other enterprises.....
- 30 How acquired:

- 1 (i).....
- 2 (ii).....
- 3 (iii).....
- 4 (iv).....
- 5 (v).....
- 6 (e) Movable property or assets:.....
- 7 Date acquired Total value Annual income
- 8 (i) Vehicles.....
- 9 (ii) Boats/other means of transport.....
- 10 (iii) Machinery, etc.....
- 11 (iv) Furniture.....
- 12 (f) How acquired
- 13 (i).....
- 14 (ii).....
- 15 (iii).....
- 16 (iv).....
- 17 (g) Details of property outside Nigeria (as in (d) and (e) above)
- 18 Total value Annual income
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26 (h) Government securities including premium banks, savings certificates
- 27
- 28
- 29
- 30 (i) Shares, debentures and other securities (i) in Nigeria and (ii) outside Nigeria

1 (j) Details of assets/property of (a) wife/wives (b) children if not public
2 officers. liable to assets declaration.

3 (i) Wife/wives.....

4

5

6 (ii) Children.....

7

8

9 (k) I.....

10 (full names)

11 solemnly declare that the facts given by me in this form are correct and that I
12 conscientiously believe same to be true by virtue of the provisions of the
13 Oaths Act.

14

15 Signature of declarant

16 Declared

17 at.....Registry.....

18 This.....day of.....20.....

19 Before

20 High Court Judge

21 Space for additional relevant information under paragraphs 6 (a)-(i) if
22 necessary

23 For official use

24 (j) Date of receipt of Form.....

25 2. Action taken (a) acknowledgement slip issued

26 (b) filed

27 (c) sent for variation

28 Signature.....

29 Name.....

30 (Receiving officer)

(Acknowledgement slip)

1 (From Office of deposit) Receipt No.....
 2 Received from.....
 3 of.....
 4 copies of Form CCB I
 5 Signature.....
 6 Name.....
 7 Receiving officer.....
 8 Date.....

SECOND SCHEDULE

[Section 7.]

Public officers for the purposes of the Code of Conduct

- 12 1. The President of the Federation.
- 13 2. The Vice-President of the Federation.
- 14 3. The President and Deputy President of the Senate, Speakers and Deputy
 15 Speakers of the House of Representatives and of the Houses of Assembly of
 16 States, and all members and staff of Legislative Houses.
- 17 4. Governors and Deputy Governors of States.
- 18 5. Chief Justice of Nigeria, Justices of the Supreme Court, President and
 19 Justices of the Court of Appeal, all other judicial officers and all staff of courts
 20 of law.
- 21 6. Attorney-General of the Federation and Attorney-General of each State.
- 22 7. Ministers of the Government of the Federation and Commissioners of the
 23 Governments of the States.
- 24 8. Chief of Defence Staff, Head of the Army, Navy, Air Force and all members
 25 of the Armed Forces of the Federation.
- 26 9. Inspector-General of Police, Deputy Inspector-General of Police and all
 27 members of the Nigeria Police Force and other Government security agencies
 28 established by law.
- 29 10. Secretary to the Government of the Federation, Head of the Civil Service,
 30 Permanent Secretaries, Directors-General and all other persons in the civil

- 1 service of the Federation or of the States.
- 2 11. Ambassadors, High Commissioners and other officers of Nigerian
3 Missions Abroad.
- 4 12. Chairman and other members and staff of the Code of Conduct Bureau
5 and Code of Conduct Tribunal.
- 6 13. Chairmen and other members and staff of local government councils.
- 7 14. Chairmen and members of the Boards of other government bodies and
8 staff of statutory corporations and of companies in which the Federal or any
9 State Government has controlling interests.
- 10 15. All staff of universities, colleges and institutions owned and financed by
11 the Federal or State Governments or local government councils.
- 12 16. Chairmen and other members and staff of permanent commissions or
13 councils appointed on full-time basis.
- 14 17. All staff of Ministries, Departments and Agencies of the Federal or State
15 Governments or local government councils, other than those specified
16 above.

17 THIRD SCHEDULE

18 (Section 25.)

19 *Institution of proceedings*

20 1. The trial of offences under this Act shall commence by way of
21 an application, supported by a summary of evidence or affidavit to the
22 Tribunal by the prosecutor.

23 *Order on an accused to appear*

24 2. Where, after the perusal of the application and the summary of
25 evidence, affidavit or any further evidence in such forms as the Tribunal may
26 consider necessary, the Tribunal is satisfied that any person appears to have
27 committed an offence provided under this Act, it shall cause that person to be
28 brought before the Tribunal on such date and at such time as it may direct.

29 *Commencement of trial*

30 3.-(1) When the Tribunal is ready to commence the trial, the

1 accused shall be brought before it and the Tribunal shall read or cause to be read
2 to him the substance of the complaint against him and he shall be asked whether
3 he is guilty of the offence or offences charged.

4 (2) If the accused pleads guilty, the plea shall be recorded and he may
5 in the discretion of the Tribunal be convicted thereon.

6 *Plea of not guilty or no plea*

7 4. If the accused pleads not guilty or makes no plea or refuses to plead
8 or if the Tribunal enters a plea of not guilty on behalf of the accused, the
9 Tribunal shall proceed to try the case.

10 *Presentation of case for prosecution*

11 5.-(1) After a plea of not guilty has been taken or no plea has been
12 made, the prosecutor may open the case against the accused, stating shortly by
13 what evidence he intends to prove the guilt of the accused.

14 (2) The prosecutor shall then examine the witnesses for the
15 prosecution who may be cross-examined by the accused or his counsel and
16 may thereafter be re-examined by the prosecutor.

17 *Procedure after presentation of evidence by the prosecutor*

18 6.-(1) After the conclusion of the presentation of evidence by the
19 prosecutor, the Tribunal shall ask the accused:

20 (a) whether he wishes to give evidence on his own behalf; and

21 (b) whether he intends to call any witness other than witnesses as to
22 character.

23 (2) If the accused says that he does not intend to call any witnesses
24 other than witnesses as to character, the prosecutor may sum up his case against
25 the accused and the Tribunal shall then call upon the accused to enter upon the
26 defence.

27 (3) Notwithstanding the provisions of paragraph (2) of this rule, the
28 Tribunal may, if after hearing the evidence against the accused or any of several
29 accused, it considers the evidence not sufficient to justify the continuation of
30 the trial, record a finding of not guilty in respect of such accused without

1 calling upon him or them to enter upon their defence and such accused shall
2 thereupon be discharged and acquitted and the Tribunal shall then call upon
3 the remaining accused, if any, to enter upon their defence.

4 (4) If the accused or anyone of several accused says that he intends
5 to call any witness, other than a witness as to character, the Tribunal shall
6 call upon the accused to enter upon his defence.

7 (5) Notwithstanding the provisions of paragraph (4) of this rule, the
8 Tribunal may, before calling upon the accused to enter upon his defence, call
9 upon the prosecutor to sum up his case against anyone or more of the
10 accused persons against whom it considers that the evidence is not sufficient
11 to justify the continuation of the trial and, after hearing the summing up, if
12 any, may in its discretion record a finding of not guilty in respect of any such
13 accused or call upon any of them to enter upon his or their defence.

14 *Defence*

15 7. When the Tribunal calls upon the accused to enter upon his
16 defence the accused or his counsel may open his case stating the facts or law
17 on which he intends to rely and making such comments as he thinks
18 necessary on the evidence for the prosecution, and the accused may then
19 give evidence on his own behalf, examine his witnesses, if any, and, after
20 their cross-examination and re-examination, if any, the accused or his
21 counsel may sum up his case.

22 *Right of prosecutor to reply*

23 8.-(1) If the accused or any of the accused calls any witness, other
24 than a witness as to character, or any document, other than a document
25 relating to character, is put in evidence for the defence, the prosecutor shall
26 be entitled to reply

27 (2) If the accused has called only evidence as to character, the
28 prosecutor may at the close of the case for the defence adduce evidence of
29 previous convictions of the accused.

30 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this

1 rule, the prosecution may, with leave of the Tribunal, be heard in reply on a
2 point of law or on any new matter or evidence, other than evidence as to
3 character introduced by the accused.

4 *Consideration of findings*

5 9. When the case for the defence and the reply of the prosecution, if
6 any, are concluded and the Tribunal does not desire to put any further question
7 to the accused, the Tribunal shall retire or adjourn to consider its findings.

8 *Announcement of findings*

9 10. After the Tribunal has made its findings, the Chairman shall
10 announce such findings and, where the accused is found guilty, it shall impose
11 the appropriate penalty prescribed in this Act. and issue an appropriate order
12 accordingly.

13 *Recommendation as to mercy*

14 11. The Tribunal may, in addition to its sentence, make an appropriate
15 recommendation as to mercy but in any such case shall give reasons for such
16 recommendation.

17 *Notes of evidence to be taken*

18 12.-(1) The Chairman or any other member of the Tribunal authorised
19 by the Chairman in that behalf shall, in every case, take notes in writing of the
20 oral evidence, or so much thereof as he considers material, in a book to be kept
21 for that purpose and such book shall be signed by the Chairman and not less
22 than two other members of the Tribunal including the person who took down
23 the notes, at the conclusion of each day's proceedings.

24 (2) The record so kept as aforesaid or a copy thereof purporting to be
25 signed and certified as a true copy by the Chairman shall, without further proof,
26 be admitted as evidence of such proceedings and of the statements made by the
27 witnesses at such proceedings.

28 *Issue of summons for witness*

29 13. If the Tribunal is satisfied that any person is likely to give material
30 evidence for the prosecution or for the defence, the Tribunal may issue a

1 summons to such person requiring him to attend, at a time and place to be
2 mentioned therein, before the Tribunal to give evidence in respect of the
3 case and to bring with him any specified documents or things and any other
4 documents or things relating thereto which may be in his possession or
5 power or under his control.

6 *Warrant of witness after summons*

7 14. If the person to whom any such summons is directed does not
8 attend before the Tribunal at the time and place mentioned therein, and there
9 does not appear to the Tribunal on inquiry to be any reasonable excuse for
10 such non attendance, then after proof to the satisfaction of the Tribunal that
11 the summons was duly served or that the person to whom the summons is
12 directed wilfully avoided service, the Tribunal, on being satisfied that such
13 person is likely to give material evidence, may issue a warrant to apprehend
14 him and to bring him, at the time and place to be mentioned in the warrant,
15 before the Tribunal in order to testify as aforesaid.

16 *Local inspections*

17 15. It shall be the duty of the Tribunal to make or cause to be made
18 such local inspection as the circumstances of the case may require.

19 *Forms*

20 16. Subject to any express provisions of these rules, the forms
21 contained in the Annex to these Rules may, in accordance with any
22 instructions contained in the said forms, and with such variation as the
23 circumstances of the particular case may require, be used in the case to
24 which they apply, and when so used, shall be good and sufficient in law.

25 *Application of Criminal Procedure Act or Code*

26 17. Where these Rules contain no provision in respect of any matter
27 relating to or connected with the trial of offences under this Act, the
28 provisions of the Criminal Procedure Act or, depending on the venue, the
29 Criminal Procedure Code shall, with such modifications as the
30 circumstances may require, apply in respect of such matter to the same

1 extent as they apply to the trial of offences generally.

2 [Cap. C41.]

3 Interpretation

4 18. In these Rules, "the prosecutor" means the Attorney-General of
5 the Federation or any other person authorised by him pursuant to section 24 of
6 this Act to conduct the prosecution of an offence before the Tribunal or to assist
7 therein.

8 ANNEX

9 FORMS

10 FORM

11 [ORDER 11 RULE (2).]

12 To: The Chairman

13 Tribunal for the trial of offences under the Code of Conduct Bureau and
14 Tribunal Act

15
16
17

18 1. Pursuant to section 24 of the Code of Conduct Bureau and Tribunal Act, I
19 hereby apply to the commencement of a trial for the offence of.....under
20 section.....of:

21 (i).....

22 (ii).....

23 2. In support of this application I attach hereto.....copies of the summary of
24 evidence or affidavit for the consideration of the Tribunal.

25 3. If this application is granted, I shall be relying on the facts disclosed in the
26 summary of evidence and any further evidence the Tribunal may consider
27 necessary at the trial. I attach hereto four copies of the charge against the
28 accused. A list of the deponents and their addresses is also attached for the
29 purpose of issuing summonses to them.

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Prosecutor

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FORM 2

Summons to accused

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act

To. A.B. of.....

Complaint has been made this day by.....

for that on the.....day of.....at.....in the.....

aforesaid did*.....

.....

.....

You are therefore summoned to appear before the Tribunal mentioned above sitting at..... on.....to answer the said complaint.

DATED the.....day of.....20.....

.....

Chairman at the Tribunal

*State concisely the substance of the offence

FORM 3

Warrant for apprehension of accused

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act.

Between

The Federal Republic of Nigeria

and

Accused

To.....Police Officer, complaint has been made on.....of.....

by.....that. hereinafter called the accused, on the.....day.....of.....did*

You are hereby commanded to bring the accused before the Tribunal mentioned above sitting at.....

on.....to answer the said complaint and to be dealt with according to law.

1 DATED the.....day of.....20.....

2

3 Chairman of the Tribunal

4 *State concisely the substance of the offence.

5 FORM 4

6 *Summons to witness*

7 In the Tribunal for the trial of offences under the Code of Conduct Bureau and
8 Tribunal Act

9 Between

10 The Federal Republic of Nigeria

11 and

12 Accused

13 To (i).....

14 (ii).....has been charged by

15 (iii).....at.....

16 In.....that he did (iv).....

17 application of (iii).....

18 that you are likely to give material evidence therein on behalf of the prosecutor
19 (or accused).

20 You are therefore summoned to appear before the Tribunal named above sitting
21 at.....on the.....day of.....20.....at the hour of.....in the noon
22 to testify what you know in such matter.

23 DATED the.....day of.....20.....

24

25 Chairman of the Tribunal

26 (i) Insert name of witness.

27 (ii) (ii) Insert name of accused.

28 (iii) (iii) Insert the name of prosecutor.

29 (iv) (iv) State concisely the substance of the offence.

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FORMS 5

Warrant for apprehension of witness in the first instance

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act

ToA.B. has been charged byfor that he on theday of.....at.....in the.....

And it appearing to me by the oath of.....thatis likely to give material evidence concerning the said matter and that it is probable he will not attend to give evidence unless compelled to do so.

You are therefore hereby commanded to bring him before the Tribunal named above sitting at..... forthwith to testify to what he knows concerning the said matter.

DATED the.....day of.....20.....

Chairman of the Tribunal

*State concisely the substance of the offence.

FORM 6

Warrant for apprehension of witness

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal Act

Between The Federal Republic of Nigeria

and Accused

To.....Police Constable or to each and all the Constables

(i) was duly summoned to appear before the Tribunal named above sitting at.....on.....at the hour of.....in the.....

1 noon, to testify to what he knows concerning a certain complaint against.....

2 And he has neither appeared thereto, nor offered any just excuse for his neglect.

3 And it has been proved on oath that the summons has been duly served on him

4 and that a reasonable sum has been paid or tendered to him for his costs and

5 expenses in that behalf.

6 You are therefore commanded to bring him before the Tribunal named above

7 sitting at.....

8 forthwith to testify to what he knows concerning the said matter.

9 DATED the.....day of.....20.....

10

11 Chairman of the Tribunal

12 (i) Insert name of witness

13 FORM 7

14 *Warrant for commitment of witness*

15 In the Tribunal for the trial of offences under the Code of Conduct Bureau and

16 Tribunal Act

17 Between

18 The Federal Republic of Nigeria

19 and

20 Accused

21 To..... and to the Superintendent of.....Prison

22 (i) having appeared or been

23 brought before the Tribunal

24 named above .sitting at.....on the.....of.....20.....

25 to testify what he knows concerning a certain matter against

26 (ii).....

27 refused to take an oath (or having taken an oath) refused to answer any (or a

28 certain) question put to him concerning the matter and did not offer any just

29 excuse for his refusal.

30 You, the said Police Officer, are hereby commanded to convey the said safely

1 to the prison, and deliver him to the Superintendent thereof, together with
 2 this warrant and you, the Superintendent of the said prison, to receive him
 3 into your custody and keep him for the period of.....
 4 unless, he in the meantime consents to be examined and to answer
 5 concerning the matter.

6 DATED theday of.....20.....
 7

8 Chairman of the Tribunal

9 (i) Insert name of witness.

10 (ii) (ii) Insert name of accused.

11 FORM 8

12 *Commitment of reward*

13 In the Tribunal for the trial of offences under the Code of Conduct Bureau
 14 and Tribunal Act

15 Between

16 The Federal Republic of Nigeria

17 and

18 Accused

19 To.....and Officer-in-Charge of Police Station
 20 and to the Superintendent of Prison

21 (i).....hereinafter called
 22 the accused being brought before the Tribunal named above, sitting
 23 at.....

24charged with having

25 (ii).....

26 The hearing of the case being adjourned:

27 You, the said Police Officer, are hereby commanded to convey the accused
 28 to Police custody

29 at.....*to the prison, and thereto deliver him to the Officer-in-
 30 Charge*/Superintendent thereof

1 together with this warrant, and you, the Officer-in-Charge*/the Superintendent
2 of the said prison, to receive him into your custody, and keep him
3 until.....the day.....of.....20.....

4 and on that day to convey him before the said Tribunal at the hour
5 of.....

6 in thenoon to be further dealt with according to law.

7 DATED the.....day of..... 20.....

8

9 Chairman of the Tribunal

10 (i) Insert name of accused.

11 (ii) State the offence or offences.

12 *Delete whichever does not apply

13 FORM 9

14 *Warrant of conviction*

15 In the Tribunal for the trial of offences under the Code of Conduct Bureau and
16 Tribunal Act.

17 Between

18 The Federal Republic of Nigeria

19 And

20 Accused

21 (i)..... having appeared before the Tribunal named above
22 sitting at.....is this day convicted for that he on the
23 day of.....20.....

24 at.....within the.....did

25 (ii).....

26 And it is adjudged that the accused, for his said offence, be sentenced to

27 (iii).....

28 and the accused shall until the conviction and/or sentence is confirmed or
29 disallowed by the Court of Appeal be kept in custody at (iv).....

30

- 1 DATED the.....day of.....20.....
2
3 Chairman of the Tribunal
4 (i) Insert name of accused.
5 (ii) State the offence or offences for which accused is convicted.
6 (iii) Insert the Tribunal sentence.
7 (iv) Insert name of accused.

8 EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Code of Conduct Bureau and Tribunal Act Cap C15 Laws of the Federation of Nigeria 2004 and Enact the Code of Conduct Bureau and Tribunal Act 2020, to define the powers of the Bureau, ensure appointment of more members of the tribunal, make provision for quorum, empower the Chairman of the Tribunal to make rules for the conduct of proceedings and ensure independence of the Tribunal.