

A BILL

FOR

AN ACT TO AMEND THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (ESTABLISHMENT) ACT, CAP. E1, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MAKE THE COMMISSION MORE INDEPENDENT, PROVIDE FOR THE RETURN OF PROCEEDS OF CRIME TO VICTIMS OF CRIME OTHER THAN GOVERNMENTS, AND ALSO SECURE THE CONFIRMATION POWERS OF THE SENATE OF THE FEDERAL REPUBLIC OVER THE CHAIRMAN AND MEMBERS OF THE COMMISSION, THEREBY DEEPENING CHECKS AND BALANCES; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

[] Commencement

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

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| <p>1 1. The Economic and Financial Crimes Commission</p> <p>2 (Establishment) Act, Cap. E1, 2004 (in this Bill referred to as "the Principal</p> <p>3 Act") is amended as set out in this Bill.</p> | <p>Amendment of
Cap. E1, LFN,
2004</p> |
| <p>4 2. Section 1 (2)(c) of the Principal Act is deleted.</p> | <p>Deletion of
Section 1 (2)(c)</p> |
| <p>5 3. Section 2 of the Principal Act is amended by-</p> <p>6 (a) substituting for section 2(1)(a) a new section-</p> <p>7 "(a) a Chairman who shall-</p> <p>8 (i) be the Chief Operations and Accounting Officer of the</p> <p>9 Commission; and</p> <p>10 (ii) a person of proven integrity with 10 years cognate experience</p> <p>11 and professionalism in economic and financial crimes investigation, legal</p> <p>12 practice, law enforcement, or security."</p> <p>13 (b) inserting after subsection 1(p), new paragraphs "q" and "r"-</p> <p>14 "(q) the Director, Nigeria Financial Intelligence Unit or his</p> <p>15 representative; and</p> | <p>Amendment of
Section 2</p> |

1 (r) the Controller-General, Nigerian Correctional Service."

2 (c) inserting after section 2(3), a new subsection (4)-

3 "(4) Appointment of Chairman or member of the Commission in
4 subsection 3 of this section shall be sent to the Senate within 30 days and any
5 appointee rejected by the Senate shall cease to hold office forthwith.

Amendment of
Section 3

6 4. Section 3 of the Principal Act is amended by substituting the
7 existing subsections (1) and (2) for new subsections "(1)" and "(2)" -

8 "(1) The Chairman and members of the Commission, other than the
9 ex-officio members, shall hold office for a period of five years and may be re-
10 appointed for a further term of five years and no more.

11 "(2) The Chairman and any member of the Commission may be
12 suspended or removed by the President acting on an address supported by two
13 thirds majority of the Senate on any of the following grounds:

14 (a) inability to discharge the functions of his office (whether arising
15 from infirmity of mind or body or any other cause);

16 (b) misconduct; or

17 (c) breach of the Code of Conduct or any other law."

Amendment of
Section 6

18 5. Section 6 of the Principal Act is amended by-

19 (a) substituting the existing paragraph (b) for a new paragraph "(b)" -

20 "(b) the investigation of all financial crimes including advance fee
21 fraud, cybercrimes, money laundering, counterfeiting, illegal charge transfers,
22 futures market fraud, fraudulent encashment of negotiable instruments,
23 computer credit card fraud, contract scam, illegal oil dealings, etc.. ; "

24 (b) substituting, in paragraph (o), line 2, the word 'Prison Service
25 Board' for the word 'Correctional Service Board'.

Amendment of
Section 7

26 6. Section 7 of the Principal Act is amended by inserting after
27 paragraph (e), a new paragraph "(e)i"-

28 "(e)i Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015;"

Amendment of
Section 13

29 7. Section 13 of the Principal Act is amended, in paragraph (d), line 2,
30 by inserting after the words 'Federal Government', the words 'or the victim, as

1 the case may be;'

2 8. Section 20 of the Principal Act is amended-

Amendment of
Section 20

3 (a) in subsection (1), by inserting after the words 'Federal
4 Government', the words 'or the victim, as the case may be -'

5 (b) in subsection (2), line 2, by inserting after the words 'Federal
6 Government', the words 'or the victim, as the case may be,'

7 9. Section 21 of the Principal Act is amended, in line 3, by
8 inserting after the words 'Federal Government', the words 'or the victim, as
9 the case may be."

Amendment of
Section 21

10 10. Section 29 of the Principal Act is amended, in line 4 of the last
11 paragraph, by inserting after the words 'Federal Government', the words 'or
12 the victim, as the case may be."

Amendment of
Section 29

13 11. Section 31 of the Principal Act is amended-

Amendment of
Section 31

14 (a) in subsection 2, line 3, by inserting after the words
15 "Consolidated Revenue Fund of the Federation", the word "or to the victim,
16 as the case may be."

17 (b) in subsection 3, in line 5, by inserting after the words
18 "Consolidated Revenue Fund of the Federation", the word "or to the victim,
19 as the case may be."

20 12. This Bill may be cited as the Economic and Financial
21 (Establishment) (Amendment) Bill, 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Economic and Financial Crimes Commission (Establishment) Act, Cap. E1, Laws of the Federation of Nigeria, 2004 to make the Commission more independent, provide for the return of proceeds of crime to victims of crime other than Governments, and also secure the confirmation powers of the Senate of the Federal Republic of Nigeria over the Chairman and members of the Commission, thereby deepening checks and balances.