

A BILL

FOR

AN ACT TO ESTABLISH PROCEEDS OF CRIMES MANAGEMENT AGENCY AND
MAKE PROVISIONS FOR THE MANAGEMENT OF PROPERTIES DERIVED FROM
UNLAWFUL ACTIVITIES AND FOR RELATED MATTERS

Sponsored by Hon. Babajimi Benson

[] Commencement

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

PART I - OBJECTIVE AND APPLICATION

1. The objectives of this Act are to-

Objectives

(a) provide for an institutional framework for the management of
the proceeds of crime or benefits derived from unlawful activities; and

(b) make provisions for the custody, preservation, value addition,
management and disposal of seized, confiscated and forfeited property
derived from unlawful activities and any instrumentalities used or intended
to be used in the commission of such unlawful activities.

2. The provisions of this Act apply to-

Application

(a) assets and the proceeds and instrumentalities of unlawful
activity seized or recovered by Nigerian law enforcement agencies pursuant
to interim or final forfeiture orders of Court;

(b) orders and directives by the Court to support the preservation,
management or disposal of the proceeds and instrumentalities of unlawful
activity and realisable assets by law enforcement agencies; and

(c) the management of recovered properties by the Agency
established under this Act.

1 PART II - ESTABLISHMENT OF THE PROCEEDS OF CRIMES

2 MANAGEMENT AGENCY

Establishment
of the Proceeds
of Crimes
Recovery and
Management
Agency

3 3.-(1) There is established a body to be known as the Proceeds of
4 Crimes Management Agency(in this Act referred to as "the Agency") which
5 shall be constituted in accordance with, and shall have such functions as are
6 conferred on it by this Act.

7 (2) The Agency-

8 (a) is a body corporate with perpetual succession and a common seal;

9 (b) may sue and be sued in its corporate name; and

Cap. L5, LFN,
2004

10 (c) may acquire, hold, purchase, mortgage and deal with property,
11 movable or immovable, real or personal, subject to the provisions of the Land
12 Use Act.

13 (3) The Agency shall be independent in the discharge of its duties
14 under this Act.

15 (4) The common seal of the Agency shall be kept in the custody of
16 such person as the Board may direct and is authenticated by the signature of the
17 Director - General or such other officer as the Board may designate.

Objectives of
the Agency

18 4. The objectives of the Agency are to-

19 (a) enforce and administer the provisions of this Act;

20 (b) co-ordinate and enforce all other laws on the management of
21 proceeds of crime and instrumentalities of unlawful activity; and

22 (c) regulate, supervise and ensure the effective administration of
23 recovered property, management of proceeds of crime and other related
24 matters in Nigeria.

Establishment
and functions
of the Board

25 5.-(1) There is established, a part-time Governing Board for the
26 Agency (in this Act referred to as "the Board").

27 (2) The Board shall consist of the following members:

28 (a) a Chairman;

29 (b) a representative not below the rank of a Director or its equivalent
30 from the following Ministries and institutions-

- 1 (i) Federal Ministry of Justice;
- 2 (ii) Federal Ministry of Finance;
- 3 (iii) Department of State Services;
- 4 (iv) Accountant-General of the Federation;
- 5 (v) Central Bank of Nigeria;
- 6 (vi) Economic and Financial Crimes Commission;
- 7 (vii) Nigerian Financial Intelligence Unit;
- 8 (viii) National Drug Law Enforcement Agency;
- 9 (ix) Independent Corrupt Practices and Other Related Offences
- 10 Commission;
- 11 (x) Code of Conduct Bureau;
- 12 (xi) National Agency for the Prohibition of Trafficking in Persons;
- 13 (xii) Asset Management Corporation of Nigeria;
- 14 (xiii) Nigeria Police Force; and
- 15 (xiv) Nigeria Security and Civil Defence Corps
- 16 (c) three other members with cognate experience in Estate Survey
- 17 and Valuation, Banking and Finance and a representative of the Civil
- 18 Society;
- 19 (d) the Director-General of the Agency, who shall be secretary to
- 20 the Board.
- 21 (3) The Chairman shall have at least twenty years cognate
- 22 experience in the area of Law, Criminology, Estate Management, Finance
- 23 and Business Administration;
- 24 (4) The Chairman, Director-General and other members of the
- 25 Board other than ex-officio members shall-
- 26 (a) be appointed by the President subject to the confirmation of the
- 27 Senate, and
- 28 (b) hold office for a term of four years and may be re-appointed for
- 29 another term of four years and no more.

- 1 (5) The office of a member of the Board shall become vacant where-
- 2 (a) his term of office expires;
- 3 (b) he resigns his office by a notice in writing under his hand
- 4 addressed to the President;
- 5 (c) he dies or becomes incapable of performing the functions of his
- 6 office due to mental or physical illness;
- 7 (d) has been convicted of a felony or any offence involving
- 8 dishonesty;
- 9 (e) he is guilty of gross misconduct relating to his duties;
- 10 (f) in the case of an ex-officio member, he ceases to hold the office on
- 11 the basis of which he became a member of the Board.

12 (6) Where a vacancy occurs in the membership of the Board, it shall

13 be filled through an appointment by the President of a successor to hold office

14 for the remainder of the term of office of his predecessor and the successor shall

15 represent the same interest as that member whose exit created the vacancy.

16 (7) The Board shall-

- 17 (a) formulate and provide general policy guidelines for the discharge
- 18 of the functions of the Agency;
- 19 (b) monitor and ensure implementation of the policies and
- 20 programmes of the Agency; and
- 21 (c) carry out such functions as are necessary or expedient to ensure the
- 22 efficient performance of the functions of the Agency under this Act.

Schedule

23 (8) The provisions of the Schedule to this Act shall have effect with

24 respect to the proceedings of the Board and other matters mentioned under this

25 Act.

Appointment
and Tenure of
the Director-
General of the
Agency

26 6.-(1) There shall be for the Agency, a Director-General who shall be

27 appointed by the President in the manner prescribed in Section 5(4);

28 (2) A person shall not be appointed as the Director - General, except

29 he has a recognised degree in Law, Estate Management, Finance or Business

30 Administration with at least twenty years cognate experience;

1 (3) The Director-General shall be the Chief Executive Officer of
2 the Agency and be responsible for-

3 (a) the day-to-day administration of the Agency;

4 (b) the execution of the policies of the Agency;

5 (c) the organization, control and management of the affairs of the
6 Agency;

7 (d) the implementation of the Agency's functions and ensuring that
8 it achieves its goals;

9 (e) the direction, supervision and control of other employees of the
10 Agency; and

11 (f) ensuring the transparent maintenance of accounting records in
12 accordance with applicable laws governing statutory bodies.

13 7.-(1) The Agency shall appoint, designate or cause to be deployed,
14 directly or on secondment from any public or private bodies such number
15 and category of employees as it may require to assist it in the effective
16 performance of its functions under this Act.

Other employees
of the Agency and
conditions of
service

17 (2) The Agency may, from time to time, appoint such other staff or
18 second officers from relevant government Agencies as it may deem
19 necessary to assist the Agency in the performance of its functions under this
20 Act.

21 (3) The Board shall be responsible for determining the job
22 description, title, terms, qualifications and salaries, including allowances of
23 the employees of the Agency, subject to the approval of the National
24 Income, Salaries and Wages Commission in the case of remunerations.

25 (4) The Board shall make rules relating generally to the conditions
26 of service of employees of the Agency, including rules providing for the
27 appointment, promotion, advancement, determination of appointment, and
28 disciplinary control, of those employees.

29 (5) Service in the Agency shall be subject to the Pension Reform
30 Act, provided that nothing in this section shall exclude the Agency from

1 employing staff on non-pensionable terms and conditions.

2 (6) The Agency has powers to-

3 (a) set up Departments, Special Units, technical committees, working
4 groups and task forces to assist the Agency in the performance of its functions
5 under this Act; and

6 (b) make changes to its structure, with the approval of the Board.

7 (7) There is appointed for each of the Departments and Special Units,
8 a principal officer who shall be known by such designation as the Agency may
9 determine.

Functions of the
Agency

10 8. The Agency shall-

11 (a) implement, enforce and duly administer the provisions of this Act;

12 (b) oversee the management of seized, forfeited or recovered assets;

13 (c) authorize and appoint private asset managers and ensure that
14 assets managers are properly bonded and insured;

15 (d) ensure transparency in the appointment of asset managers,
16 monitoring asset and management costs;

17 (e) establish and maintain:

18 (i) disposal systems; and

19 (ii) lists of approved auctioneers and valuers and issue instructions for
20 the realization or security of assets whilst ensuring fair process;

21 (f) establish and maintain a central database of the activities and
22 casework of the Agency, all seized and recovered assets and of the asset
23 managers and auctioneers, insurers and other necessary support services;

24 (g) collaborate with law enforcement agencies to negotiate the return
25 and management of all assets seized by foreign countries on behalf of the
26 Federal and State Governments for the benefit of Nigerians under the direction
27 of the Attorney-General of the Federation;

28 (h) recommend that in exceptional circumstances, a portion not
29 exceeding five per cent of the recovered proceeds of offences be allocated to

1 the agency responsible for the recovery of the proceeds for operational
2 expenses;

3 (i) recommend the proper application of all returned assets and
4 proceeds of unlawful activities;

5 (j) assist relevant law enforcement agencies in asset tracing and
6 the investigation of the proceeds of unlawful activity or the instrumentalities
7 of offences;

8 (k) collaborate with other government bodies both within and
9 outside Nigeria that are carrying on functions wholly or in part analogous
10 with those of the Agency;

11 (l) have the custody and management of confiscated and forfeited
12 assets and funds under this Act;

13 (m) maintain an accurate inventory of all assets, recording their
14 location, value, condition, and a description of their status in relation to any
15 proceedings;

16 (n) establish training or capacity building programmes for its staff
17 and other relevant Agencies; and

18 (o) carry out such other functions as are necessary or expedient to
19 ensure the efficient performance of the functions of the Agency under this
20 Act.

21 9.-(1) The Agency may, subject to the provisions of this Act,
22 exercise such powers, execute agreements or contracts as it considers
23 necessary and, in particular:

24 (a) the Agency may do anything that is reasonably necessary to
25 enable it take over, assume control and preserve the property or assets
26 submitted or handed over to it under this Act;

27 (b) engage contractors, consultants, brokerage companies,
28 investment advisers, financial investigators and other experts for the
29 effective performance of its functions under this Act; and

30 (c) order the disposal of assets that are perishable or susceptible to

Powers of the
Agency

1 deterioration, or whose maintenance or administration may be excessively
2 onerous or expensive leading to a diminution of the recoverable amount.

3 (2) The Agency shall perform other functions that are necessary or
4 expedient for the full discharge of all or any of the functions conferred on it
5 under this Act.

Co-operation
with other Bodies

6 10. In the performance of its functions under this Act, the Agency
7 shall assist and cooperate with relevant organisations, financial supervisory
8 institutions and any other person or authority involved in the investigation and
9 prosecution of crimes under this Act or any other law relating to the recovery of
10 assets or properties obtained from unlawful activities;

Information
relating to the
recovery of
Proceeds of Crime

11 11. The Agency shall have power to require any relevant organisation
12 or authority to surrender to it, any information, data, list or records of recovered
13 or forfeited proceeds or instrumentalities of unlawful activities by the relevant
14 Organizations, Agencies or Authorities.

Fund of the
Agency

15 12. There is established for the Agency a fund (in this Act referred to
16 as "the Fund") which consist of-

17 (a) take off grants, annual subventions and other budgetary
18 allocations received from the Federal Government;

19 (b) such monies as may be granted to the Agency by the Government
20 of the Federation;

21 (c) gifts, grants, aids, and testamentary disposition, if the terms and
22 conditions attached to any of them are not inconsistent with the functions of the
23 Agency; and

24 (d) such other sums of monies as may be received by the Agency from
25 other sources.

Expenditure of
the Agency

26 13. The Director-General, under the direction of the Board, shall
27 apply the funds at the disposal of the Agency to-

28 (a) the cost of administration of the Agency;

29 (b) pay the salaries, allowances and benefits of employees of the
30 Agency;

1 (c) pay other overhead allowances and benefits, charges and
2 expenses of the Agency; and

3 (d) undertake such other activities as are connected with the
4 functions of the Agency under this Act.

5 14.-(1) The Agency shall in each financial year prepare and present
6 to the National Assembly, a statement of estimated income and expenditure
7 for the succeeding financial year.

Estimates of the
Agency

8 (2) Notwithstanding the provisions of subsection (1), the Agency
9 may, where necessary due to unforeseen circumstances, submit
10 supplementary or adjusted statements of estimated income and expenditure
11 to the National Assembly for approval.

12 15.-(1) The Agency shall:

Accounts and
Audit

13 (a) keep proper and regular accounts and other records of monies
14 received and paid by the Agency and of the several purposes for which the
15 monies have been received or paid, and of its assets, credits and liabilities;

16 (b) do all things necessary to ensure that all payments out of its
17 funds and bank accounts are correctly made and properly authorized and
18 that adequate control is maintained over the assets in its custody and over the
19 expenditures incurred by the Agency; and

20 (c) within the first four months of each financial year, submit its
21 accounts to external auditors appointed by the Agency from the list and in
22 accordance with guidelines approved by the Auditor-General for the
23 Federation, its accounts for audit.

24 (2) The remuneration of the auditor shall be paid out of the funds
25 of the Agency.

26 16.-(1) The Director-General shall, not later than 30th September in
27 each financial year, submit to the Board in respect of the preceding financial
28 year an annual report on the activities of the Agency in such form as the
29 Board may direct.

Annual Report

30 (2) The report under subsection (1), shall include:

- 1 (a) information with regard to the activities of the Agency in that year;
 2 (b) a copy of the audited accounts of the Agency in respect of that year
 3 together with the Auditor-General's report on the accounts; and
 4 (c) such other information as the Board may request.

5 (3) The Board shall, on receiving the annual report, cause it to be
 6 submitted to the National Assembly within the financial year.

7 (4) The Director-General shall provide the Board with such
 8 information relating to the affairs of the Agency as the Board may request.

9 PART III - ADMINISTRATION

Powers and duties
 of the Agency
 in respect of
 property seized

10 17. This Part sets out the powers and duties of the Agency in respect
 11 of property, (in this Part referred to as "seized property") seized and put under
 12 the control and custody of the Agency by a Court in the carrying out of a
 13 seizure or interim forfeiture order.

Preserving
 controlled
 property

14 18.-(1) The Agency may, pursuant to a Court order, do anything that is
 15 reasonably necessary for the purpose of preserving the seized assets or
 16 property, including-

- 17 (a) becoming a party to any civil proceedings affecting the property;
 18 (b) ensuring that the property is insured;
 19 (c) realizing or otherwise dealing with any of the property that is
 20 securities or investments; and
 21 (d) where any of the property is a business -
 22 (i) retaining, employing and, or terminating the employment of
 23 persons in the business and
 24 (ii) doing anything necessary or convenient to carry on the business
 25 on a sound commercial basis.

26 (2) The Agency shall, for the purposes of performing its functions
 27 under this Act, engage persons competent and qualified in the relevant area or
 28 field.

Agency is not
 liable for loss,
 etc.

29 19.-(1) Except where the Court is satisfied that the Agency is
 30 negligent in respect of taking custody and control or management of a property,

1 the Agency is not liable for-

2 (a) any loss or damage, sustained by a person claiming an interest
3 in all or part of the seized property, arising from the Agency taking custody,
4 control or management of the property;

5 (b) any action taken by the Agency in order to preserve the value of
6 the property.

7 (2) In the management of seized, confiscated or forfeited property,
8 the Agency shall not pay any rates, land tax or municipal or statutory charges
9 imposed by virtue of any law in respect of the controlled property, except out
10 of any rents or profits that the Agency receives from the property.

11 PART IV - CONFISCATED AND FORFEITED PROPERTIES ACCOUNT

12 20.-(1) There is established under this Part, a Confiscated and
13 Forfeiture Property Account (in this Act referred to as the Confiscated and
14 Forfeited Properties Account) which is a special designated account with
15 the Central Bank of Nigeria into which shall be credited-

Establishment of
Confiscated and
Forfeited
Properties Account
and payments
into the Account

16 (a) all monies realized from the proceeds of sale, management or
17 other forms of disposal of seized, attached, confiscated and forfeited assets
18 under this Act;

19 (b) monies paid to Nigeria by a foreign country:

20 (i) under any treaty or arrangement providing for mutual assistance
21 in criminal matters, or

22 (ii) through repatriation of proceeds of unlawful activity; and

23 (c) monies paid to the Agency on behalf of the Federal Government
24 in settlement of proceedings connected with this Act.

25 21. For the purpose of this Part, seized, recovered or forfeited
26 assets are the-

27 (a) amount representing proceeds from a sale or other disposition
28 of any property or asset authorized by regulations made under this Act; and

29 (b) proceeds of an unlawful activity and money seized, recovered
30 or forfeited under-

- 1 (i) the Terrorism (Prevention) Act;
- 2 (ii) the Money Laundering (Prohibition) Act;
- 3 (iii) the Economic and Financial Crimes Commission
- 4 (Establishment, etc.) Act;
- 5 (iv) Corrupt Practices and Other Related Offences Act;
- 6 (v) National Drug Law Enforcement Agency Act;
- 7 (vi) Trafficking In Persons (Prohibition) Law Enforcement and
- 8 Administration Act;
- 9 (vii) the Code of Conduct Bureau and Tribunal Act;
- 10 (viii) Administration of Criminal Justice Act 2015; and
- 11 (ix) any other law dealing with confiscation and forfeiture of property
- 12 in force in Nigeria.

13 (c) instrumentalities of unlawful activity, including the proceeds of

14 their disposal or confiscation under the-

- 15 (i) Customs and Excise Management Act;
- 16 (ii) Terrorism (Prevention) Act;
- 17 (iii) Money Laundering (Prohibition) Act;
- 18 (iv) Economic and Financial Crimes Commission (Establishment,
- 19 etc.) Act;
- 20 (v) Corrupt Practices and Other Related Offences Act;
- 21 (vi) National Drug Law Enforcement Agency Act;
- 22 (vii) Trafficking In Persons (Prohibition) Law Enforcement and
- 23 Administration Act;
- 24 (viii) Code of Conduct Bureau and Tribunal Act;
- 25 (ix) Administration of Criminal Justice Act 2015; and
- 26 (x) any other law dealing with confiscation and forfeiture of property
- 27 in force in Nigeria.

Payments out
of the Account

28 22. Subject to the simple majority of each House of the National

29 Assembly, the President may authorise the expenditure from time to time for

30 funds in the Confiscated and Forfeited Properties Account to -

1 (a) compensate any State which has suffered grave pecuniary loss
2 on account of the offence or conduct that gave rise to the confiscation or
3 forfeiture order;

4 (b) compensate any person who has suffered grave pecuniary loss
5 on account of the offence or conduct that gave rise to the confiscation or
6 forfeiture order;

7 (c) pay any foreign country or an agency under the provisions of
8 any treaty agreement or scheme for mutual legal assistance;

9 (d) make payments under any programme approved by the
10 President under section 24;

11 (e) make any payment necessary to satisfy Nigeria's obligations in
12 respect of a registered foreign forfeiture order; and

13 (f) make any payment the Agency, on behalf of the Federal
14 Government is directed to make.

15 23. The Confiscated and Forfeited Properties Account shall be
16 audited in accordance with the guidelines issued by the Auditor-General for
17 the Federation.

Audit of the
Confiscated and
Forfeited
Properties Account

18 24.-(1) Subject to the simple majority of each House of the
19 National Assembly, the President may authorise the expenditure from time
20 to time for funds in the Confiscated and Forfeited Properties Account.

Programmed for
expenditure on
law enforcement,
etc.

21 (2) The President may approve expenditure out of the Confiscated
22 and Forfeited Properties Account for any one or more of the following
23 purposes-

24 (a) crime prevention measures;

25 (b) law enforcement measures;

26 (c) measures relating to treatment of drug addiction;

27 (d) measures outlined for the rehabilitation of victims of crime;

28 (e) education, health, youth development, mass housing, rural
29 electrification and development, agricultural reform, water and sanitation;

30 (f) measures relating to the compensation and rehabilitation of

1 victims of terrorist activities; and

2 (g) such other sustainable development programmes as may be
3 approved by the Federal Government.

Restriction on
execution against
property of the
Agency

4 25. In any action or suit against the Agency, no execution shall be
5 levied or attachment process issued against the Agency.

Indemnity of
officers of the
Agency

6 26. A member of the Board, Director-General, officer or employee
7 of the Agency shall be indemnified out of the assets of the Agency against any
8 proceedings brought against him in his capacity as a member of the Board,
9 Director-General, officer or employee of the Agency in the course of
10 performing his duties;

Unlawful dealing
with forfeited
property

11 27.-(1). Any person who falsifies, destroys, conceals, alters or
12 permits the concealment, falsification, destruction, or disposal of documents
13 relating to a forfeited property or the property itself or in any way unlawfully
14 deals with a seized or forfeited property or proceeds of crime in a manner
15 inconsistent with the provisions of this Act, commits an offence and is liable on
16 conviction to imprisonment for a term of five years without the option of a fine.

17 (2.) Any person who, without due authorization by the Agency, deals
18 with, sells or otherwise disposes of any forfeited property or assets is liable on
19 conviction to imprisonment for a term of five years without the option of fine.

20 PART V - MISCELLANEOUS

Regulations
and guidelines

21 28.-(1) The Attorney-General may make regulations as are necessary
22 or expedient for the efficient implementation of the provisions of this Act

23 (2) The Agency may issue guidelines as may be necessary for the
24 exercise of any of the duties, functions or powers of the Agency under this Act.

Interpretation

25 29. In this Act-
26 "account" means any facility or arrangement through which a financial
27 institution accepts deposits or allows withdrawals and includes -

28 (a) a facility or arrangement for-

29 (i) a fixed term deposits; or

30 (ii) a safety deposit box;

- 1 (b) a credit card account;
- 2 (c) a loan account, other than a credit card account;
- 3 (d) an account held in the form of units in:
- 4 (i) a cash management trust; or
- 5 (ii) a trust of a kind prescribed by the regulations; and
- 6 (e) a closed account, and it is immaterial whether an account has a
- 7 nil balance or any transactions have been allowed in relation to an account.

8 "authorised officer" means-

- 9 (a) a member of staff of the Agency designated by the Director-
- 10 General; and
- 11 (b) a member, officer or employee of a relevant organization.

12 "Confiscated and Forfeited Properties Account" means the account

13 established under section 20 of this Act;

14 "Court" means the Federal High Court of Nigeria.

15 "data" includes-

- 16 (a) information in any form; and
- 17 (b) any programme or part of a programme.

18 "data held in a computer" includes data held in-

- 19 (a) any removable data storage in electronic devices for the time
- 20 being held in a computer;
- 21 (b) data storage in electronic devices on a computer network of
- 22 which the computer forms a part; or
- 23 (c) data held in any remote storage in electronic devices to which
- 24 data has been sent from the computer.

25 "Director-General" means the Director-General appointed for the Agency

26 under this Act;

27 "instrumentality of an offence" means property used or intended to be used

28 in or in connection with the commission of an offence, whether the property

29 is situated within or outside Nigeria;

30 "Law Enforcement Agencies" include but not limited to anti-corruption

1 agencies, security, and regulatory bodies.

2 "member" means a member of the Board including the Chairman and the
3 Director-General of the Agency;

4 "proceeds of unlawful activity" means property-

5 (a) wholly derived or realized, whether directly or indirectly, from
6 unlawful activity; or

7 (b) partly derived or realized, whether directly or indirectly, from
8 unlawful activity,

9 whether the property is situated within or outside Nigeria, or whether or not a
10 person has been convicted of the offence.

11 "property" means real or personal property of every description, whether
12 situated in Nigeria or elsewhere and whether tangible or intangible, and
13 includes an interest in any such real or personal property;

14 "relevant organisation" means-

15 (a) the Economic and Financial Crimes Commission;

16 (b) the Independent Corrupt Practices and other Related Offences
17 Commission;

18 (c) the National Drug Law Enforcement Agency;

19 (d) the Trafficking in Persons (Prohibition) Law Enforcement
20 Agency;

21 (e) the National Agency for Food and Drug Administration and
22 Control;

23 (f) the Nigeria Customs Service;

24 (g) the Code of Conduct Bureau;

25 (h) the Federal Inland Revenue Service; and

26 (i) such other organizations as the Attorney - General may, from time
27 to time, designate.

28 "unlawful activity" means an act, omission or conduct which constitutes an
29 offence or which contravenes any law in force in Nigeria, whether the act,
30 omission or conduct occurred before or after the commencement of this Act or

1 where the offence is committed in a country outside Nigeria, would also
2 constitute an offence if it had been committed in Nigeria.

3 30.. This Bill may be cited as the Proceeds of Crimes Management Agency (Establishment) Bill, 2019. Citation

5 SCHEDULE

6 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

7 *Proceedings of the Board*

8 1. Subject to this Act and section 27 of the Interpretation Act, the
9 Board shall have power to regulate its proceedings and may make standing
10 orders with respect to the holding of its meetings, and those of its
11 committees, notices to be given, the keeping of minutes of its proceedings,
12 the custody and production for inspection of such minutes and such other
13 matters as the Board may, from time to time determine.

14 2. There shall be at least three ordinary meetings of the Board in
15 every calendar year and, the Board shall meet whenever it is convened by the
16 Chairman, and if the Chairman is requested to do so by notice given to him
17 by at least four other members, he shall convene a meeting of the Board to be
18 held within thirty days from the date on which the notice was given.

19 3. Every meeting of the Board shall be presided over by the
20 Chairman and if the Chairman is unable to attend a particular meeting, the
21 members present at the meeting shall elect one of their members to preside at
22 the meeting.

23 4. The quorum of any meeting of the Board shall consist of the
24 Chairman (or in an appropriate case, the person presiding at the meeting
25 pursuant to paragraph 2 of this Schedule) and three other members.

26 5. A question put before the Board at a meeting shall be decided by
27 consensus and where this is not possible, by a majority of the votes of the
28 members present and voting.

29 6. The Chairman shall, in the case of an equality of votes, have a
30 casting vote in addition to his deliberate vote.

1 shall not be affected by:

- 2 (a) any vacancy in the membership of the Board or its committees;
- 3 (b) reason that a person not entitled to do so took part in the
- 4 proceedings; or
- 5 (c) any defect in the appointment of a member.

6 17.-(1) Any member of the Board or committee who has a personal

7 interest in any arrangement entered into or proposed to be considered by the

8 Board or any committee shall:

- 9 (a) disclose his interest to the Board or committee; and
- 10 (b) not vote on any question relating to the arrangement.

11 (2) Failure by any member of the Board or committee to comply

12 with the provision of subparagraph (1)(a) may constitute a ground for

13 removal of the member from the Board or committee.

EXPLANATORY MEMORANDUM

This Bill provides an institutional framework for the management of proceeds of crime or benefits derived from unlawful activities, harmonises and consolidates existing legislative provisions on the management of proceeds of crime in Nigeria, it also makes provisions for the disposal of seized, confiscated and forfeited property derived from unlawful activities and any instrumentalities used or intended to be used in the commission of unlawful activities.

