



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

ORDER PAPER

Wednesday, 15 December, 1999

1. Prayers
2. Oaths
3. Announcements (if any)
4. Petitions (if any)

PRESENTATION OF REPORTS

Report of the Committee on Communications on the Review of National Policy on Telecommunications:
Hon. Maiwada Ahmed:

"That this House do receive the Report of the Committee on Communications on the Review of National Policy on Telecommunications".

ORDER OF THE DAY

Report of the Joint Committee on the Bill for an Act to Prohibit and Punish Bribery and Corruption of or by Public Officers and other Persons, 1999:

Hon. Adama Jagaba

Hon. Obetan Obetan:

"That this House do consider the Report of the Joint Committee (Anti-Corruption, National Ethics and Values; and Judiciary, Human Rights and Legal Matters) on the Bill for an Act to prohibit and punish Bribery and Corruption of or by Public Officers and other persons, 1999 and approve the recommendations therein".

(AMENDMENTS PROPOSED)

<i>Provisions in the Original Bill</i>	<i>Committee Recommendation</i>	<i>Amendment(s) Proposed by Members</i>
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SHORT TITLE AND COMMENCEMENT

Clause 1

INTERPRETATION

Clause 2

ESTABLISHMENT OF COMMISSION, APPOINTMENT AND POWERS

Clause 3(1)

3(2)

3(3)(a) A retired Police Officer not below the rank of Chief Superintendent of Police	A retired Police Officer not below the rank of Commissioner of Police.
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3(3)(b) A Legal Practitioner with at least 12 years Post-Call experience in litigation Practice. A Legal Practitioner with at least 10 years Post-Call experience in litigation practice.

3(3)(c)

3(3)(d) A retired Public Servant not below the rank of a Deputy Director. A retired Public Servant not below the rank of a Director.

3(3)(e)

3(3)(f)

3(3)(g) A Chartered Accountant.

3(4)

3(5) Remuneration for members of the Commission shall be determined by the President in the instrument of their appointment. Remuneration for members of the Commission shall be determined by the National Revenue Mobilization, Allocation and Fiscal Commission.

3(6) The Chairman and members of the Commission who must be persons of proven integrity shall be appointed by the President and shall not begin to discharge the duties of their offices until they have declared their assets and liabilities as prescribed in the Constitution of the Federal Republic of Nigeria. The Chairman and members of the Commission who must be persons of proven integrity shall be appointed by the President, upon confirmation by the Senate.

3(7)

3(8) Notwithstanding the provisions in Section 3(7) of this Act, the Chairman or any member of the Commission may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct, but shall not be removed from office except in accordance with provisions of this Act. Notwithstanding the provisions of Section 3(7) of this Act, the Chairman or any member of the Commission may at any time be removed from office by the President upon approval by a simple majority of the National Assembly.

3(9)

3(10)

3(11)

3(12)

3(13)

3(14) The Commission shall in the discharge of its functions under this Act, not be subject to the direction or control of any other person or authority.

4(1) An officer appointed under Sub-Section (1) shall have such powers as may be conferred upon him under this Act and shall be subject to the direction, control and supervision of the Chairman or any other officer of the Commission superior to him in rank, and shall exercise his powers and discharge his duties in compliance with such directives or instructions as may be given by the Chairman or such other officer as aforesaid.

An officer *pursuant to this Act* shall have such powers as may be conferred upon him under this Act and shall be subject to the direction, control and supervision of the Chairman or any other officer of the Commission superior to him in rank, and shall exercise his powers and discharge his duties in compliance with such directives or instructions as may be given by the Chairman or such other officer as aforesaid.

4(2)

4(3) Every member of the Commission shall, before assuming the duties of this office, subscribe to the oath prescribed in the Constitution of the Federal Republic of Nigeria for public officers. And service in the Commission shall be approved service for the purpose of the Pension Act.

To create Sub-clause (4) as follows:
And service in the Commission shall be approved Service for the purpose of the Pensions Act.

4(4) Original Provisions retained.

4(5)

4(6)

4(7)

4(8)

5(1)

5(2)

6(a)

6(b)

6(c)

6(d)

6(e)

6(f)

7(1)

7(2)

7(3)

8(1) Any public officer who

Any public officer who corruptly

8(1)(a) Corruptly asks for, receives or obtains any property or benefit of any kind for himself or for any other person; or

Asks for, receives or obtains and property or benefit of any kind for himself or for any kind for himself or for any other persons, on account of

8(1)(b) Corruptly agrees or attempts to receive or obtain any property or benefit of any kind for himself or for any other person, on account of

agrees or attempts to receive or obtain any property or benefit of any kind for himself or for any other person, on account of

8(1)(b)(i)

8(1)(b)(ii) Anything to be afterwards done or omitted to be done, or any favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of the felony of official corruption and is liable to imprisonment for seven years.

Anything to be afterwards done or omitted to be done, or any favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of *an offence* of official corruption and is liable to imprisonment for seven years.

8(2)(a)

8(2)(b)

8(2)(c)

8(3)(a)

8(3)(b)

8(4)(a)

8(4)(b)

8(4)(c)

9(1)(a) Any person who; corruptly gives, confers or procures any property or benefit of any kind to, on or for a public officer or to, on for any other person; or

Any person who corruptly; gives, confers or procures any property or benefit of any kind to, on or for a public officer or to, on for any other person; or

9(1)(b) Corruptly promises or offers to give, confer, procure or attempt to procure any property or benefit of any kind to, on or for a public officer or any other person, on account of any such act, omission, favour or disfavour to be done or shown by the public officer is guilty of the felony of official corruption and shall on conviction be liable to imprisonment for Seven (7) years.

Promises or offers to give, confer, procure any property or benefit of any kind to, on or for a public officer or any other person, on account of any such act, omission, favour or disfavour to be done or shown by the public officer is guilty of *an offence* of official corruption and shall on conviction be liable to imprisonment for Seven (7) years.

9(2)(a)

9(2)(b)

9(2)(c)

10. Any person who—
(a) corruptly asks for, receives or obtains any kind for himself or any other person; or corruptly agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person.

Any person who corruptly—
asks for, receives or obtains any kind for himself or any other person; or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person.

10(a)(i)

10(a)(ii) Anything to be afterwards done or omitted, or any favour disfavour to be afterwards shown any person, by a public officer in the discharge of his official duties or in relation to any such matters as aforesaid, is guilty of the felony of official corruption and shall on conviction be liable to imprisonment for Seven (7) years.

Anything to be afterwards done or omitted, or any favour disfavour to be afterwards shown any person by a public officer in the discharge of his official duties or in relation to any such matters as aforesaid, is guilty of an offence of official corruption and shall on conviction be liable to imprisonment for Seven (7) years.

11. In any proceedings for an offence under this Section it shall not be necessary to prove that:

In any proceedings for an offence under this Act it shall not be necessary to prove that:

11(a)

11(b)

11(c)

11(d)

12. Any person who, being employed in the public service, knowingly acquires or holds directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty (20) persons, a private interest in any contract, agreement or investment emanating from or connected with the department or office which he is employed or which is made on account of the public service, is guilty of a felony, and shall on conviction be liable to imprisonment for three years.

Any person who, being employed in the public service, knowingly acquires or holds directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty (20) persons, a private interest in any contract, agreement or investment emanating from or connected with the department or office which he is employed or which is made on account of the public service, is guilty of a felony, and shall on conviction be liable to imprisonment for Seven (7) years.

13.

14.

15(a)

15(b)

15(c)

16. Any person who being an officer charged with receipt, custody, use or management of any part of the public revenue or property, knowingly furnishes any false statement or return in respect of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of an offence, and shall on conviction be liable to two (2) years imprisonment.

Any person who being an officer charged with receipt, custody, use or management of any part of the public revenue or property, knowingly furnishes any false statement or return in respect of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of an offence, and shall on conviction be liable to seven (7) years imprisonment.

17 Any person who:

(a) as agents corruptly accepts, obtains or agrees to accept or obtain or attempts to obtain from any person for himself or for any other person any gift or consideration as an inducement or reward for doing, for having to do or for having done or forborne to do, any act or thing.

Add Subclause (1) to Clause 17 to reflect as new Clause 17(1).

Any person who corruptly—accepts, obtains or agrees to accept or obtain or attempts to obtain from any person for himself or for any other person any gift or consideration as an inducement or reward for doing, forbearing to do or for having done or forborne to do, any act or thing.

(b) corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done, or forborne to do, any act or thing in relation to his principal's affairs or business

gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done, or forborne to do, any act or thing in relation to his principal's affairs or business

17(c)

18.

To create a new Subclause 17(2) to replace former Clause 18 and re-numbered subsequent clauses accordingly.

19(a)

19(b)

19(c)

19(d) Showing or forbearing to show any favour or disfavour in his capacity as such officer shall, notwithstanding that the officer did not have the power, right or opportunity so to do, or that the inducement or reward was not in relation to the affairs of the public body, be guilty of an offence and shall on conviction be liable to three (3) years imprisonment with hard labour.

Showing or forbearing to show any favour or disfavour in his capacity as such officer shall, notwithstanding that the officer did not have the power, right or opportunity so to do, or that the inducement or reward was not in relation to the affairs of the public body, be guilty of an offence and shall on conviction be liable to Five (5) years imprisonment with hard labour.

20. Any public officer who uses his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of the public officer or any other public officer shall be guilty of an offence and shall on conviction be liable to imprisonment for three (3) years imprisonment without option of fine.

Any public officer who uses his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of the public officer or any other public officer shall be guilty of an offence and shall on conviction be liable to imprisonment for Five (5) years imprisonment without option of fine.

21.

22(1)

22(2)

22(3)

23.

24(1)

24(1)(a)

24(1)(b)

24(2)

24(3)

25(1)

25(1)(a)

25(1)(b)

25(1)(c)

25(1)(d)

25(2) Prosecution for an offence under this Act shall be initiated by the Federal Attorney-General of any person or authority to whom he shall delegate his authority, in any superior court of record so designated by the Chief Judge of a state or the Chief Judge of the Federal Capital Territory, Abuja under Section 60(3) of this Act. Every prosecution for an offence under this Act or any other law prohibiting bribery, corruption, fraud or any other related offence shall be deemed to be initiated by the Attorney-General of the Federation.

Prosecution for an offence under Act shall be initiated by the Attorney-General of the Federation or any person or authority to whom he shall delegate his authority, in any superior court of record so designated by the Chief Judge of a state or the Chief Judge of the Federal Capital Territory, Abuja under Section 60(3) of this Act. Every prosecution for an offence under this Act or any other law prohibiting bribery, corruption, fraud or any other related offence shall be deemed to be initiated by the Attorney-General of the Federation.

25(3)

26(1)

26(2)

26(3)

26(4)

26(5)

27(1)(a)

27(1)(b)

27(1)(c)

27(2)

27(3)(a)

27(3)(b) during such examination disclose all information which is within his knowledge or which is available to him, in respect of the matter in relation to which he is being examined, and answer any question put to him truthfully and to the best of his knowledge and belief and shall not refuse to answer any question on the ground that it tends to incriminate him or his spouse or any other person.

During such examination disclose all information which is within his knowledge.

27(4)

27(5) A person to whom a written notice has been given under paragraph (1)(c), shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge, or which is available to him and shall not refuse to furnish or disclose the information on the ground that it tends to incriminate him, his spouse, or any other person.

27(6) A person to whom an order or a notice is given under Sub-Section (1) shall comply with such order or notice and with Sub-Section (3), (4) and (5) notwithstanding any written law or rule of law to the contrary.

27(7)

27(8)

27(9)(a)

27(9)(b)

27(10)

28.

29. Every summons issued by the Commission under this Act shall be in duplicate and signed by the Chairman or such other officer as the Chairman may authorise to issue summonses.

30.

31.

32.

33. A person required to sign a receipt on the back of the duplicate summons to the effect that he has received the summons who refuses to do so may be arrested by the person serving the summons and taken before the Commission which issued the summons or committed to prison until such time as he signs the receipt.

34.

35(1) Whenever it appears to the Attorney-General upon information, and after such inquiry as he shall think necessary, that there is reasonable cause to suspect that in any place there is any evidence of the Commission of an offence under this Act, he may by written order direct an officer of the Commission to:

35(1)(a)

35(1)(b)

35(1)(d)

35(1)(e)

35(2) Whenever it is necessary so to do, an officer of the Commission exercising any power under Sub-Section (1) may obtain a warrant from a judge or magistrate to:

A person to whom a written notice has been given under paragraph (1)(c) shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge, or which is available to him.

A person to whom an order or a notice is given under Sub-Section (1) shall comply with such order or notice and with Sub-Section (3), (4) and (5).

Every summons issued by the Commission under this Act shall be in duplicate and signed by the Chairman or such other officer as the Chairman may authorise to issue *summons*.

A person required to sign a receipt on the back of the duplicate summons to the effect that he has received the summons who refuses to do so may be arrested by the person serving the summons and shall be guilty of an offence and upon conviction be liable to one month imprisonment or five thousand naira option of fine.

Whenever it appears to the Attorney-General upon information, and after such inquiry as he shall think necessary, that there is reasonable cause to suspect that in any place there is any evidence of the Commission of an offence under this Act, he may by written order direct an officer of the Commission to obtain a court order to:

Whenever it is necessary so to do, an officer of the Commission exercising any power under Sub-Section (1) shall obtain a warrant from a judge or magistrate to:

35(2)(a)

35(2)(b)

35(2)(c)

35(3) Whenever it appears to an officer of the Commission that there is reasonable cause to suspect that there is concealed or deposited in any place any evidence of the Commission of any offence under this Act and such officer has reasonable grounds for believing that by reason of delay in obtaining a written order of the Attorney-General under subsection (1) the object of the search is likely to be frustrated, he may exercise in and in respect of such place, all the powers mentioned in subsection (1) and (2) as if he was directed to do so by an order issued under subsection (2). An officer exercising the powers vested by this subsection shall immediately thereafter inform the Commission or the Attorney-General of the exercise and result thereof.

Delete.

35(4)

Re-numbered as Sub-Clause 37(3).

36(1)

36(2)

36(3)

36(4)

37(1)

37(2)

37(3)

37(3)(a)

37(3)(b)

37(4)(a)

37(4)(b)

37(5)

37(6)(a)

37(6)(b)

37(7)

38.

39. Subject to such limitation as is provided under this Act, every person required by an officer of the Commission or a Police Officer to give any information on any subject which it is the duty of such officer to inquire into under this Act and which it is in that person's power to give, shall be legally bound to give the information failing which he shall be guilty of an offence on conviction be liable to imprisonment for six (6) months or a fine of (₦10,000.00) ten thousand naira.

40(a)

40(b) Assaults, obstructs, hinders or delays any officer of the Commission or any person authorised by the Commission in the execution of his duty under this Act.

40(c)

40(d)

40(e)

40(f)

40(g)

41(1) Every offence under this Act shall be a seizureable offence for the purposes of the criminal procedure Act/Code.

41(2)

41(2)(a) On his depositing such reasonable sum of money as an officer of the Commission may require.

41(2)(b) On his executing a bond with or without sureties, as an officer of the Commission may require; or

41(2)(c) On his depositing such reasonable sum of money as an officer of the Commission may require and executing a bond, with or without sureties, as an officer of the Commission may require.

41(3)(a)

41(3)(b) On being notified in writing by the surety of such person that such person has broken or is likely to break any condition on or subject to which such person was released and that the surety wishes to be relieved of his obligation as surety.

Subject to such limitation as is provided under this Act, every person required by an officer of the Commission to give any information on any subject which it is in that person's *statutory* power to give, shall be legally bound to give the information failing which he shall be guilty of an offence on conviction be liable to imprisonment for six (6) months or a fine of (₦10,000.00) ten thousand naira.

Assaults any officer of the Commission or any person authorised by the Commission in the execution of his duty under this Act.

Every offence under this Act shall be a bailable offence for the purposes of the Criminal Procedure Act/Code.

Delete.

On his executing a bond with sureties, as an officer of the Commission may require.

Delete.

On being notified in writing by the surety *or sureties* of such person that such person has broken or is likely to break any condition on or subject to which such person was released and that the surety wishes to be relieved of his obligation as surety.

41(4)(a)

41(4)(b)

41(5)

41(6)

41(7)

42(1) Notwithstanding the provisions of any other written law or any rule of law, the Attorney-General, if he is satisfied that it is necessary for the purpose of any investigation into an offence under this Act or any other law prohibiting corruption, may in writing authorise an officer of the Commission to exercise, in relation to any bank or financial institution specified in the authorisation, all the powers of investigation set out in sub-section (2).

Notwithstanding the provisions of any other written law or any rule of law, the Attorney-General, if he is satisfied that it is necessary for the purpose of any investigation into an offence under this Act or any other law prohibiting corruption, and upon a court order authorise any officer of the Commission to exercise, in relation to any bank or financial institution specified in the authorisation, all the powers of investigation set out in sub-section (2).

42(2)(a)

42(2)(b)

42(2)(c)

42(2)(d)

42(3)(a)

42(3)(b)

42(3)(c)

42(4)

42(5)

43(1)

43(1)(a)

43(1)(a)(i)

43(1)(a)(ii)

43(1)(a)(iii)

43(1)(a)(iv)

43(1)(a)(v)

43(1)(a)(vi)

43(1)(b)

43(1)(b)(i)

43(1)(b)(ii)

43(1)(b)(iii)

43(1)(b)(iv)

43(1)(b)(v)

43(1)(b)(vi)

43(1)(c)

43(2) Every person to whom a notice is sent by the Attorney-General under Subsection (1) shall, notwithstanding any written law or rule of law to the contrary comply with the terms of the notice within such time as may be specified therein, and any person who wilfully neglects or fails to comply with the terms of the notice shall be guilty of an offence and shall on conviction, be liable to imprisonment for three (3) years or a fine of fifty thousand naira or to both.

Delete.

43(3)

43(4) Every person whom a direction is sent by the Attorney-General under Subsection (3) shall, notwithstanding any written law or rule of law to the contrary, comply with the terms of the direction within such time as may be specified in the direction, and if such person wilfully neglects or fails to comply with such direction, he shall be guilty of an offence and shall on conviction be liable to:

Delete.

(a) Imprisonment or a fine of not less than three years and not more than five years; and

Delete.

(b) a fine which is not less than two times the value of the excess, if the excess is capable of being valued, or one hundred thousand naira, whichever is the higher

Delete.

43(5) Every person to whom a notice or direction is sent by the Attorney-General under this section shall be under obligation to state the truth and disclose all information which is within his knowledge, or which is available to him, or which is capable of being obtained by him.

Every person to whom a notice or direction is sent by the Attorney-General under this section shall state the truth and disclose all information which is within his knowledge, or which is available to him, or which is capable of being obtained by him.

43(6) PROVIDED THAT SUBSECTION (6) shall not bar, prevent or prohibit the institution of any prosecution for any offence provided by this section or for giving false evidence in relation to any statement on oath or affirmation furnished to the Attorney-General pursuant to this section; or as provided for in Section 25(1) of this Act.

PROVIDED THAT SUBSECTION (6) shall not bar, prevent or prohibit the institution of any prosecution for any offence provided by this section or for giving false evidence in relation to any statement on oath or affirmation furnished to the Attorney-General pursuant to this section; or as provided for in Section 27(1) of this Act.

44(1)

44(2)

44(3)

44(4)(a)

44(4)(b)

44(4)(c) By serving a copy of such notice on the Director of the Ministry of Lands of the Area in which the immovable property is situated.

By serving a copy of such notice on the officer of the Ministry of Lands of the Area in which the immovable property is *situate*.

44(2) The Director of the Ministry of Lands referred to in Subsection (1) shall immediately upon being served with a notice of seizure under Subsection (1) endorse the terms of the notice of seizure on the document of title in respect of the immovable property in the Register at his office.

The Officer responsible for land matters referred to in Subsection 4(c) shall immediately upon being served with a notice of seizure under Subsection (1) endorse the terms of the notice of seizure on the document of title in respect of the immovable property in the Register at his office.

45.

46(1)

46(1)(a)

46(1)(b)

46(1)(b)(i)

46(1)(b)(ii)

46(2)

47(1) Where in respect of any property seized under this Act there is no prosecution or conviction for an offence under this Act, the Attorney-General may, before the expiration of twelve months from the date of the seizure, apply to a Judge of the High Court for an order of forfeiture of that property if he is satisfied that such property had been obtained as a result of or in connection with an offence under Section 8 to 20.

Where in respect of any property seized under this Act there is no prosecution or conviction for an offence under this Act, the Attorney-General may, before the expiration of twelve months from the date of the seizure, apply to a Judge of the High Court for an order of forfeiture of that property if he is satisfied that such property had been obtained as a result of or in connection with an offence under Section 8 to 19

47(2) The Judge to whom an application is made under Subsection (1) shall direct to be published a notice in the Gazette calling upon any person who claims to have interest in the property to attend before the court on a date specified in that notice, to show cause why the property should not be forfeited to the Government.

The Judge to whom an application is made under Subsection (1) shall direct to be published a notice in the Gazette and in at least two newspapers circulating in Nigeria, which shall be in English language, calling upon any person who claims to have interest in the property to attend before the court on a date specified in that notice, to show cause why the property should not be forfeited to the Government.

47(3)

47(3)(a)

47(3)(b)

47(4)

48(1)

48(2) Subsection (1) shall be in addition to and not in derogation of subsection 34(3) and (4).

Delete.

49(1) Notwithstanding the provisions of any other written law, the President, if he considers that it is likely to contain any information which is relevant for the purpose of any investigation into an offence under this Act, may on the application of the Chairman of the Commission authorise any officer of the Commission to—

Delete

- (a) intercept, detain and open any postal article in the course of transmission by post;
- (b) intercept any message transmitted or received by any telecommunication, electronic or any other device; and
- (c) intercept or listen to any conversation by any telecommunication, electronic or any other device.

49(2) When any person is charged with an offence under this Act, any information obtained by an officer of the Commission in pursuance of Subsection (1), whether before or after such person is charged, shall be admissible in evidence at his trial.

Delete

49(3) Authorisation by the President under Subsection (1) may be given either orally or in writing; but if oral, the President shall, as soon as practicable, reduce the same into writing.

Delete

49(4) A certificate by the President stating that the action taken by any officer of the Commission in pursuance of subsection (1) had been authorised by him shall be admitted in evidence without proof of signature thereof.

Delete

49(5) No person shall be under any duty, obligation or liability, or be in any manner compelled, to disclose in any proceedings the procedure, method, manner or means, or any matter related to any thing done under paragraphs (1)(a)(b) or (c).

Delete

50(1) Notwithstanding any written law to the contrary, the Attorney-General may where he has reasonable grounds to believe that any person who is the subject of investigation in respect of any offence under this Act is likely to leave Nigeria, by written notice require such person to surrender his passport or exit permit or any other travel documents in his possession.

Notwithstanding any written law to the contrary, the Attorney-General may *upon a Court order* where he has reasonable grounds to believe that any person who is the subject of investigation in respect of any offence under this Act is likely to leave Nigeria, by written notice require such person to surrender his passport or exit permit or any other travel documents in his possession.

50(2)

50(3) A person on whom a notice under Subsection (1) is served shall comply with such notice forthwith, failing which he may be arrested and taken before a Magistrate.

Delete

50(4) Where a person is taken before a Magistrate under Subsection (3), the Magistrate shall, unless such person complies with the notice under Subsection (1) or satisfies the Magistrate that he does not, or no longer possess a travel document, by warrant commit him to prison—

Delete

- (a) for a period not exceeding fourteen days from the date of his committal or renewal of such order; or
- (b) until he complies with the notice under subsection (1) whichever occurs earlier.

50(5) For the purpose of Subsection (4), a certificate signed by the Attorney-General to the effect that the person has complied with the notice under Subsection (1) shall be sufficient warrant for the Superintendent of Prison to discharge such person.

Delete

51(1)

51(2)

52(1)

52(2)

52(3)

52(4)

53(a)

53(b)

54(a)

54(a)(i)

54(a)(ii)

54(a)(iii)

54(b)

54(c)

55(1)

55(2)

55(3)

56(a)

56(b)

56(c)

57(1)

57(1)(a)

57(1)(b)

57(2)

58(1)

58(2)

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60(1)

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60(3)

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65(1)

65(2)

65(3)

66

67. Any person who fails to Delete.
 comply with any provision of this
 Act or any written order, direction
 or notice given by or on behalf of a
 court, the Attorney-General or an
 officer of the Commission in the
 exercise of their functions under
 this Act shall be guilty of an
 offence.

68.

69.

70(a)

70(b)

71.

(NEW CLAUSES PROPOSED)

Possession of
 unexplained
 property.

21(1) Any person who being or having been a public servant—

- (a) maintains a standard of living above that which is commensurate with his present or past official emoluments; or
- (b) is in control of pecuniary resources or property disproportionate to his present or past official emoluments; or

shall, unless he gives a satisfactory explanation to the court as to how such pecuniary resources or property came under his control, be guilty of an offence.

21(2) Where a court is satisfied in proceedings for an offence under subsection (1)(b) that having regard to the closeness of his relationship to the accused and to other circumstances, there is reason to believe that any person was holding pecuniary resources or property in trust for or otherwise on behalf of the accused or acquired such resources or property as a gift from the accused, such resources or property shall, in the absence of evidence to the contrary, be presumed to have been in the control of the accused.

21(3) In this section "official emoluments includes a pension and gratuity payable under all pension laws; applicable to public servants in Nigeria".

21(4) Any person guilty of an offence under this section shall—

- (a) on conviction on indictment to a fine of one million naira and imprisonment for seven (7) years.
- (b) On summary conviction to a fine of five hundred thousand naira and imprisonment for three (3) years.

21(5) In addition to any penalty imposed under Subsection (4), the court may order a person convicted of an offence under Section 21(1)(b) to pay the Federal Government of Nigeria.

- (a) a sum not exceeding the amount of the pecuniary resources; or
- (b) a sum not exceeding the value of the property, the acquisition of which by him was not explained to the satisfaction of the court.

21(6) An order under subsection (3) may be enforced in the same manner as a judgement of the High Court of a State or of the Federal Capital Territory in its civil jurisdiction.

21(7) An order may be made under subsection (5) in respect of an offence under section 21(1)(b) where the facts that gave rise to that offence arise when the bill comes into effect.

21(a) Confiscation of assets.

(1) Subject to this section, where a person is convicted on indictment of an offence under section 21(1)(b) the court may, in addition to any penalty imposed under section 21(4), order the confiscation of any pecuniary resources or property—

- (a) found at the trial to be in his control as provided in section 10; and
- (b) of an amount or value not exceeding the amount or value of pecuniary resources or property the acquisition of which by him was not explained to the satisfaction of the court.

(2) Any application for an order under subsection (1) shall be made by the Attorney General within 28 days after the date of the conviction.

(3) An order under subsection (1) shall not be made in respect of pecuniary resources or property held by a person other than the person convicted unless that other person has been given reasonable notice that such an order may be made and has had an opportunity to show cause why it should not be made.

(4) An order under subsection (1) shall not be made in respect of pecuniary resources or property held by a person other than the person convicted if that other person satisfied the court in any proceedings to show cause under subsection (3) that he had—

- (a) acted in good faith as regards the circumstance in which the pecuniary resources or property came to be held by him; and
- (b) so acted in relation to the pecuniary resources or property that an order in the circumstances would be unjust.

(5) Nothing in subsection (4) shall be construed as limiting the court's discretion to decline to make an order under subsection (1) on grounds other than those specified in subsection (4).

(6) An order under subsection (1)—

- (a) may be made subject to such conditions as the court thinks fit in all the circumstances of the case; and
- (b) may be made in respect of an offence under section 10(1)(b) where the facts that gave rise to that offence occurred before the date of commencement of this Act.

(7) A court may make orders under both subsection (1) and section 12(3) in respect of the same offence but shall not make orders under both provisions in respect of the same pecuniary resources or property.

(8) An order under subsection (1) may make provision for taking possession of pecuniary resources or property to which the order applies and for the disposal of such resources or property by or on behalf of the Federal Government of Nigeria.

21(b) Appeal against
confiscation order.

(1) Subject to this Section, where an order is made under section 21(a) in respect of pecuniary resources or property held by a person other than the person convicted, that other person may, within 28 days after the date of making the order, appeal against the order to the Court of Appeal.

(2) On an appeal under this section the Court of Appeal may—

- (a) confirm the order, with or without modification; or
- (b) quash the order and make such other order (if any) under section 21(a) as it thinks appropriate.

(3) Proceedings under this section shall not operate as a stay of execution of an order unless the court which makes the order or the Court of Appeal otherwise orders any stay of execution may be subject to such conditions as to costs, the giving of security or otherwise as the court or the Court of Appeal thinks fit.

(4) Subject to this section, an appeal shall be brought in such manner and shall be subject to such conditions as are prescribed by rules made under subsection (5).

(5) Nothing in this section shall prejudice or affect the right of a convicted person to appeal against his sentence.

Cost in proceedings
on confiscation
order.

- (c)(1) The court or the Court of Appeal, as the case may be, may, if it thinks fit, award to any person his reasonable costs in respect of any proceedings before it in relation to—
 - (a) the making of an order under section 21(a) or
 - (b) an appeal under section (21)(b) where such an order is not made or is quashed.

(2) Any costs awarded under subsection (1)—

- (a) shall, except where the amount is fixed by the court or the Court of Appeal, be ascertained by the Registrar of the Supreme Court; and
- (b) shall be paid from general revenue.

Conspiracy.

(d)(1) Any person convicted of conspiracy to commit an offence under this Part shall be dealt with and punished in like manner as if convicted of such offence and any rule of evidence which apply with respect to the proof of any such offence shall apply in like manner to the proof of conspiracy to commit such offence.

(2) The powers of investigation conferred by Section 28 of this Act shall apply with respect to a conspiracy to commit an offence under this Act in like manner as they apply to the investigation of any such offence.

Bribery in
relation to auctions.

22(1) Any person who, without lawful authority or reasonable excuse, offers any advantage to any other person as an inducement to or reward for or otherwise on account

of that other person's refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.

(2) Any person, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall—

(a) on conviction on indictment to a fine of five hundred thousand naira and imprisonment for three (3) years.

Bribery for giving assistance, etc. in regard to contracts.

23(1) Any person who, without lawful authority or reasonable excuse, offers an advantage to a public servant as an inducement to or reward for or otherwise on account of such public servant's giving assistance or using influence in, or having given assistance or used influence in:

- (a) the promotion, execution, or procuring of:—
 - (i) any contract with a public body for the performance of any work, the providing of any service, the doing of anything or the supplying of any article, material or substance; or
 - (ii) any subcontract to perform any work, provide any service, do anything or supply any article, material or substance required to be performed, provided, done or supplied under any contract with a public body; or
- (b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or sub-contract as aforesaid shall be guilty of an offence.

(2) Any public servant who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his giving assistance or using influence in, or having given assistance or used influence in—

- (a) the promotion, execution or procuring of; or
- (b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in, any contract or sub-contract as is referred to in subsection (1) shall be guilty of an offence.

(3) Any public officer who in the course of his official duties, inflates the price of any goods or service above the prevailing market price or professional standards shall be guilty of an offence under this Act and liable on conviction to imprisonment for a term of seven (7) years and a fine of one million naira.

(4) Any public officer who, in the discharge of his official duties awards or signs any contract without budget provision, approval and cash backing, shall be guilty of an offence under this Act and on conviction be liable to three (3) years imprisonment and a fine of one hundred thousand naira.

(5) Any Public Officer who transfers or spends any sum allocated for a particular project, or service, on another project or service, shall be guilty of an offence under this Act and on conviction be liable to one (1) year imprisonment or a fine of fifty thousand naira.

COMMITTEES

	<i>Committee</i>	<i>Date</i>	<i>Time</i>	<i>Venue</i>
1.	Rules and Business	Wednesday, 15 December, 1999	4.00 p.m.	Committee Room 06 Assembly Complex
2.	Foreign Affairs	Wednesday, 15 December, 1999	2.00 p.m.	Committee Room 09 Assembly Complex
3.	Works and Housing (Seminar)	Wednesday, 15 December, 1999	2.00 p.m.	Hearing Room 03 Assembly Complex
4.	Communications	Wednesday, 15 December, 1999	3.00 p.m.	Committee Room 24 Assembly Complex
5.	Poverty Alleviation	Wednesday, 15 December, 1999	1.00 p.m.	Committee Room 21 Assembly Complex
6.	Health	Wednesday, 15 December, 1999	2.00 p.m.	Committee Room 21 Assembly Complex
7.	Aviation (<i>Sub-Committees Chairmen meeting with the Chairman</i>)	Wednesday, 15 December, 1999	2.00 p.m.	Committee Room 17 Assembly Complex
8.	Industries	Wednesday, 15 December, 1999	1.00 p.m.	Committee Room 24 Assembly Complex
9.	Internal Affairs	Wednesday, 15 December, 1999	5.00 p.m.	Committee Room 15 Assembly Complex