

**THE CORRUPT PRACTICES AND OTHER
RELATED OFFENCES ACT, 2003**



2003 ACT NO. 6

AN ACT TO PROHIBIT AND PRESCRIBE PUNISHMENT FOR CORRUPT
PRACTICES AND OTHER RELATED OFFENCES AND TO ESTABLISH
ANTI-CORRUPTION COMMISSION

[18th May, 2003]

Commence-
ment.

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

1. This Act may be cited as the Corrupt Practices and Other Related Offences Act, 2003.

Short Title.

In this Act -

2. "Agent" - means any person employed by or acting for another and includes an officer of a public body or an officer serving in or under any public body, or a corporate body or any political party or institution, a trustee, an administrator or executor of the estate of a deceased person, a sub-contractor, any person employed by or acting for such trustee, administrator, executor, or sub-contractor ;

Interpreta-
tion.

"Associate", in relation to a person includes any person who is an employee, agent, nominee or representative, trustee, firm or incorporated company known to act subject to the directives or influence of such person ;

"Bank"- means a bank, a finance company, a Commercial Bank, a Merchant bank, or a discount house, licensed under the Banks and Other Financial Institutions Decree, or any other financial institution established or licensed under any other written law ;

"Banker's book" includes ledgers, day books, cash books, account books and all other books and documents or electronic devices used in the ordinary course of business of a bank ;

"Business" means any activity carried on for the purpose of gain or profit and includes all property derived from or used in or for the purpose of carrying on such activity, and all the rights and liabilities arising from such activity ;

"Chairman" means the Chairman of the Commission appointed under section 3 (3) of this Act ;

"Commission" means the Anti-Corruption Commission established under section 3 of this Act ;

"Constitution" means Constitution of the Federal Republic of Nigeria 1999 ;

"Corporate body" means any legal entity artificial or otherwise recognised by the Companies and Allied Matters Act or created under the authority of any law in Nigeria;

"Corruption" includes bribery, fraud and other related offences;

"Dealing" includes-

(a) any purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts, or extension of credit ;

(b) any agency or grant of power of attorney; and

(c) any act which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole of or in part any property being conferred on any person ;

"False pretence" means any representation made by words, writing, or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be or does not believe to be true ;

"Financial Institution" means any body or institution which carries on any banking or financial transactions whether lawfully or unlawfully as defined in the Banks and Other Financial Institutions Act ;

"Gratification" means—

(a) money, donation, gift, loan fee, reward, valuable security, property or interest in property being property of any description whether movable or immovable, or any other similar advantage, given or promised to any person with intent to influence such a person in the performance or non performance of his duties ;

(b) any office, dignity, employment, contract of empowerment or services and any agreement to give empowerment or render services in any capacity ;

(c) any payment, release, discharge or liquidation of any loans, obligation or other liability, whether in whole or in part ;

(d) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage ;

(e) any forbearance to demand any money or money's worth or valuable thing ;

(f) any other service or favour of any description, such as protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not, already instituted, and including the exercise or the forbearance from the exercise of any rights or any official power or duty ; and

(g) any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the proceeding paragraphs (a) to (f) ;

"Judge of Superior Court of Record" means a Judge holding any of the offices defined by section 6(5) of the Constitution ;

"Local Government" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

"Member" means any member of the Commission appointed in accordance with section 3 of this Act ;

"Money Instrument" includes coin or currency of Nigeria or of any other country, travellers' cheque, personal cheque, bank cheque, money order, investment security or negotiable instrument in bearer form or otherwise in such form that title hereto passes upon delivery or upon delivery and endorsement ;

"Misappropriation" means the unauthorized, improper, or unlawful use of funds or other property for purposes other than that for which intended and it also includes misapplication of funds or property and it does not matter whether or not the person misappropriating derives any personal benefit therefrom ;

"An official" means any director, functionary, officer, agent, servant, privy or employee serving in any capacity whatsoever in the public body, or in any private organisation, corporate body, political party, institution or other empowerment whether under a contract of service or contract for service or otherwise, and whether in an executive capacity or not ;

"Person" includes a natural person, a juristic person or any body of persons corporate or incorporate;

"Political Party" means any body of persons or association as stated under the provisions of the Constitution;

"President" means the President of the Federal Republic of Nigeria ;

"Principal" includes any employer, any beneficiary under a trust, any trust estate, any person beneficially interested in the estate of a deceased person, the estate of a deceased person, and, in the case of any person serving in or under a public body, [the public body] ;

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

"Public Officer" means a person employed or engaged in any capacity in the public service of the Federation, State or Local Government, public corporations or private company wholly or jointly floated by any government or its agency including the subsidiary of any such company whether located within or outside Nigeria and includes judicial officers serving in Magistrate or Customary courts or Tribunals ;

"Purchaser in good faith valuable consideration" means any transferee, assignee, charges, mortgagee, pledgee, holder of a lien, or lessee, of any property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by him for adequate consideration in money or money's worth, without notice that the property was obtained in consequence of the commission of any offence under this Act ;

"Relation" includes father, mother, child, brother, sister, uncle, aunt and cousin where applicable and their spouses.

Establishment of the Anti-Corruption Commission, composition, tenure and removal from office etc.

3.—(1) There is established a body to be known as the Anti-Corruption Commission (hereinafter in this Act referred to as "the Commission").

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Commission shall consist of a chairman and twelve (12) other members, two of whom shall come from each of the six geo-political zones.

(4) The Chairman shall be a serving Judge of the Court of Appeal.

(5) Remuneration for members of the Commission shall be determined by the National Revenue Mobilisation, Allocation and Fiscal Commission.

(6) The Chairman and members of the Commission who shall be persons of proven integrity shall be appointed by the Chief Justice of Nigeria upon advice of the National Judicial Council subject to the confirmation by the Senate.

(7) In making the appointment in subsection (6), the Chief Justice of Nigeria shall ensure that the following categories are represented in the appointment—

(a) a retired police officer not below the rank of Commissioner of Police ;

(b) a legal practitioner with at least 10 years post call experience ;

(c) a retired judge of a superior court of record ;

(d) a retired public servant not below the rank of a director ;

(e) a woman ;

(f) a youth not being less than 21 years or more than 30 years of age at the time of his or her appointment ; and

(g) a chartered accountant.

(8) The Chairman and members of the Commission shall not 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.

(9) The Chairman shall be eligible to the same terms and conditions of service as are applicable to a serving Justice of the Court of Appeal.

(10) The Chairman shall hold office for five (5) years only.

(11) The Members shall hold office for a period of four (4) years and may be reappointed for another four (4) years but shall not be eligible for reappointment thereafter.

(12) Notwithstanding the provisions of sections 3 (10) and (11) of this Act, the Chairman and any member of the Commission may at any time be removed from the office by the Chief Justice of Nigeria upon the advice of the National Judicial Council subject to approval of the Senate.

(13) The Chairman or any member of the Commission may resign his appointment by notice in writing under his hand addressed to the Chief Justice of Nigeria and the Chairman or that member shall on the date of the receipt of the notice of resignation by the Chief Justice of Nigeria cease to be a member of the Commission.

(14) The Members of the Commission shall hold office on such terms and conditions as may be specified in their instruments of appointment, and in the exercise of their functions, they shall not be subject to any other authority except as provided by this Act.

(15) Every member of the Commission shall, before assuming the duties of his office, subscribe to the oath prescribed in the Constitution of the Federal Republic of Nigeria for public officers.

4.—(1) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff and for this purpose shall prescribe its own rules and regulations.

Appointment
of staff etc.
and remuneration

(2) The Commission shall have power to appoint, designate and deploy such number and category of staff and officers which, in the opinion of the Commission, shall be required to assist it in the discharge of all or any of its functions and shall have powers to pay persons so employed such remuneration (including allowances) as is in accordance with section 3 (14) of this Act.

(3) The tenure of office and conditions of service of the staff of the Commission shall, subject to the provisions of this Act, be determined by the Commission.

(4) There shall be appointed such number of Commissioners, Deputy Commissioners, Assistant commissioners, Superintendents, Assistant Superintendents, Senior Investigators and Investigators of the Commission as may be necessary for the purpose of carrying into effect the provisions of this Act.

5. Service in the Commission shall be approved service for the purposes of the Pensions Act.

Pension Cap.
346 LFN
1990.

6. There shall be a Secretary to the Commission appointed by a 2/3 majority of the members present and voting who, shall be responsible for keeping the records of the Commission and the general administration and control of the staff of the Commission

Secretary of
the Commission.

7. Every officer of the Commission, when discharging the duties of his office, shall, on demand, declare his office and produce to the person against whom he is acting or from whom he seeks any information, evidence of his identity issued by the Commission.

Production
of identification
Card.

8. The Chairman and any five (5) members of the Commission representing at least four (4) geo-political zones shall constitute a quorum.

Quorum for
meetings.

9. —(1) Subject to the provisions of this Act, an officer of the Commission when investigating any matter which constitutes an offence under this Act, shall have all the powers and immunities of a police officer under the Police Act and any other laws conferring power on the Police, or empowering and protecting law enforcement agents.

Powers and
Immunities
of officers of
the Commission
Cap.
359 LFN
1990.

(2) If, in the course of any investigations in respect of the Commission of an offence under this Act by any person, there is disclosed an offence under any other written law, not being an offence under this Act, irrespective of whether the offence

was committed by the same person or any other person, the officer of the Commission responsible for the investigation, shall notify the Director of Public Prosecutions or any other officer charged with the responsibility for the prosecution of criminal cases, who may issue direction as shall meet the justice of the case.

General duties of the Commission to receive, investigate complaint and prosecute offenders, etc.

10. The Commission shall—

(a) where reasonable grounds exist for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offence and in appropriate cases make its recommendation for prosecution or otherwise to the office of the Attorney General of the Federation or of the State ;

(b) examine the practices, systems and procedures of public bodies and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of them ;

(c) instruct, advise and assist any officer, agency or parastatals on ways by which fraud or corruption may be eliminated or minimised by such officer, agency or parastatal ;

(d) advise heads of public bodies of any changes in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the Commission thinks fit to reduce the likelihood or incidence of bribery, corruption, and related offences;

(e) educate the public on and against bribery, corruption and related offences; and

(f) enlist and foster public support in combating corruption.

Standing Orders.

11.—(1) The Commission may issue administrative orders to be called

"Standing Orders", which shall conform with the provisions of the general control, training, duties and responsibilities of officers of the Commission, and for such other matters as may be necessary or expedient for the good administration of the Commission and to ensure the efficient and effective functioning of the Commission.

(2) The Commission may establish one or more branch offices in each State of the Federation and the Federal Capital Territory, Abuja to carry out its functions under this Act.

(3) There may be in each State of the Federation and the Federal Capital Territory, Abuja, a Resident Anti-Corruption Commissioner.

Gratification by an official.

12.—(1) Any person who corruptly—

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

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

(i) anything already done or omitted to be done, or for any favour or disfavour already shown to any person by himself in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a government department, or corporate body or other organisation or institution in which he is serving as an official, or

(ii) anything to be afterwards done or omitted to be done or 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 (7) years.

(2) If in any proceedings for an offence under this section it is proved that any property or benefit of any kind, or any promise thereof, was received by a public officer, or by some other person at the instance of a public officer from a person—

(a) holding or seeking to obtain a contract, licence, permit, employment from a government department, public body or other organisation or institution in which that public officer is serving as such,

(b) concerned, or likely to be concerned, in any proceeding or business transacted, pending or likely to be transacted before or by that public officer or a government department, public body or other organisation or institution in which that public officer is serving as such, or

(c) acting on behalf of or related to such a person,
the property, benefit or promise shall, unless the contrary is proved, be presumed to have been received corruptly on account of such past or future act, omission, favour or disfavour as is mentioned in subsection (1) (a) or (b).

13.—(1) Any person who corruptly—

(a) gives, confers or procures any property or benefit of any kind to, on or for a public officer or to, on or for any other person, or

(b) promises or offers to give, confers, 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 an offence of official corruption and shall on conviction be liable to imprisonment for seven (7) years.

(2) If in any proceedings for an offence under this section, it is proved that any property or benefit of any kind, or any promise thereof, was given to a public officer or some other person at the instance of a public officer, by a person

(a) holding or seeking to obtain a contract, licence, permit, employment from a government department, public body or other organisation or institution in which that public officer is serving as such ; or

(b) concerned or likely to be concerned in any proceeding or business transaction, pending or likely to be transacted before or by that public officer or a government department, public body or other organisation or institution in which that public officer is serving as such ; or

Corrupt
offers to
public
officers.

(c) acting on behalf of or relative to such a person, the property, benefit or promise shall, unless the contrary is proved, be deemed to have been given corruptly on account of such a past or future act, omission, favour or disfavour as is mentioned in section 13 (1) and (2).

Corrupt demand by persons.

14. Any person who—

(a) asks for, receives or obtains property or benefits of 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, on account of—

(i) anything already done or omitted to be done, or any favour or disfavour already shown to any person, by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a government department, public body or other organisation or institution in which the public officer is serving as such, or

(ii) anything to be afterwards done or omitted, or any favour or disfavour to be afterwards shown to any person, by a public officer 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 on conviction be liable to imprisonment for seven (7) years.

Fraudulent acquisition of property.

15. 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 in which he is employed or which is made on account of the public service, is guilty of an offence, and on conviction be liable to imprisonment for seven (7) years.

Fraudulent receipt of property.

16. Any person who receives anything which has been obtained by means of act constituting a felony or misdemeanour, or by means of any act done at a place outside Nigeria, which if it had been done in Nigeria would have constituted a felony or misdemeanour and which is an offence under the laws in force in the place where it was done, knowing the same to have been so obtained, is guilty of a felony.

Penalty for offences committed through postal system.

17. If the offence by means of which the thing was obtained is a felony, the offender shall on conviction be liable to imprisonment for three (3) years, except the thing so obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender on conviction be liable to imprisonment for seven (7) years.

Deliberate frustration of investigation by the Commission.

18. Any person who, with intent to defraud or conceal a crime or frustrate the Commission in its investigation of any suspected crime of corruption under this Act or under any other law—

(a) destroys, alters, mutilates, or falsifies, any book, documents, valuable security, account, computer system, diskette, computer printout or other electronic device which belongs to or is in the possession of his employer, or has been

received by him on account of his employment, or any entry in any such book, document, accounts or electronic device, or is privy to any such act, or

(b) makes, or is privy to making any false entry in any such book, document, account or electronic record, or

(c) omits, or is privy to omitting, any materials particular from any such book, document, account or electronic record,

is guilty of a felony, and on conviction be liable to seven (7) years imprisonment.

19. Any person who, being an officer charged with the 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 on conviction be liable to seven (7) years imprisonment.

Making false statement or return.

20.— (1) Any person who corruptly—

(a) 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, or

(b) 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, or

(c) knowingly gives to any agent, or being an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested and which contains any statement which is false or erroneous or defective in any material particular, and which, to his knowledge, is intended to mislead his principal or any other person,

is guilty of an offence, and on conviction be liable to five (5) years imprisonment or a fine of not less than ₦200,000.00.

Gratification by and through agents.

(2) For the purposes of this section, the expression "consideration" includes valuable consideration of any kind; the expression "agent" includes any person employed by or acting for another; and the expression "principal" includes an employer.

21. Any person who offers to any public officer, or being a public officer solicits, counsels or accepts any gratification as an inducement or a reward for—

(a) voting or abstaining from voting at any meeting of the public body in favour or against any measure, resolution or question submitted to the public body,

(b) performing or abstaining from performing or aiding in procuring, expediting, delaying hindering or preventing the performance of any official act,

(c) aiding in procuring or preventing the passing of any vote or the granting of any contract, award, recognition or advantage in favour of any person, or

(d) showing or forbearing to show any favour or disfavour in his capacity as such officer,

Bribery of public 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, is guilty of an offence and on conviction be liable to five (5) years imprisonment with hard labour.

Using office or position for gratification.

22. 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, is guilty of an offence and on conviction be liable to imprisonment for five (5) years without option of fine.

Forfeiture of gratification and other Penalties.

23. Without prejudice to any sentence of imprisonment imposed under this Act, a public officer or other person found guilty of soliciting, offering or receiving gratification shall forfeit the gratification and pay a fine of not less than five times the sum or value of the gratification which is the subject-matter of the offence where such gratification is capable of being valued or is of a pecuniary nature, or ten thousand Naira, whichever is higher.

Bribery in relation to auction.

24.—(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, is 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, is guilty of an offence.

(3) Any person guilty of an offence under this section, on conviction of the indictment, be liable to a fine of the current price of the property and imprisonment for three (3) years.

Bribery for giving assistance etc. in regard to contracts.

25.—(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, executing, 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 article, materials 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, is 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, or
 (b) the payment of the price, consideration, or
 (c) other moneys stipulated or otherwise provided for in,
 any contract, or sub-contract as is referred to in sub-section (1) is 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 is 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 person or public officer who commits an offence under subsection (1) and (2) of this section shall on conviction be liable to a term of imprisonment for seven (7) years or a fine of one million Naira.

26.—(1) Any public officer to whom any gratification is given, promised, or offered, in contravention of any provision of this Act shall report such gift, promise or offer together with the name, if known, of the person who gave, promised or offered such gratification to him to the nearest officer of the Commission or police officer.

Duty to report bribery transactions.

(2) Any person from whom any gratification has been solicited or obtained, or from whom an attempt has been made to obtain such gratification, in contravention of any provision of this Act, shall, at the earliest opportunity thereafter, report such soliciting or obtaining, or attempt to obtain the gratification together with the name, if known, or a true and full description of the person who solicited, or obtained, or attempted to obtain the gratification from him, to the nearest officer or officer of the Commission or a police officer.

(3) Any person who fails, without reasonable excuse, to comply with subsections (1) and (2) is guilty of an offence and on conviction be liable to a fine not exceeding one hundred thousand Naira or to imprisonment for a term not exceeding two years or to both fine and imprisonment.

27. Any person who, whether within or outside Nigeria, whether directly or indirectly, whether on behalf of himself or on behalf of any other person, enters into, or causes to be entered into, any dealing in relation to any property, or otherwise uses or causes to be used, or holds, receives, or conceals any property or any part thereof which was the subject-matter of an offence under sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 is guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five (5) years.

Dealing with, using, holding, receiving or concealing gratification.

28.—(1) Any person who makes or causes any other person to make an officer of the Commission or to any public officer, in the course of the exercise by such public officer of the duties of his office, any statement which to the knowledge of the person making the statement, or causing the statement to be made—

Making false or misleading statement to the Commission.

(a) is false, or intended to mislead or is untrue in any material particular, or

(b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law to receive, or require to be made such other statement notwithstanding that the person making the statement is not under any legal or other obligation to tell the truth, is guilty of an offence and on conviction be liable to imprisonment for a term not exceeding seven (7) years.

Attempts, conspiracies, abetments, punishable as offence.

29.—(1) Any person who—

(a) attempts to commit any offence under this Act,

(b) does any act preparatory to or in furtherance of the commission of any offence under this Act,

(c) abets or is engaged in a criminal conspiracy to commit any offence under this Act, or

(d) commits any offence under this Act,

is guilty of an offence and on conviction, be liable to the punishment provided for such offences.

Delegation of Attorney-Generals power to prosecute.

30. Prosecution for an offence under this Act shall be initiated in the name of Attorney-General of the Federation or of a State as the case may be, and where such offence is provided for under any other Act prohibiting bribery, corruption, fraud or any other related offences, the procedure and penalty under such Act shall be adopted.

Power to investigate reports and enquire into information.

31.—(1) Every report relating to the commission of an offence under this Act may be made orally or in writing to an officer of the Commission, and if made orally shall be reduced into writing and read over to the person making the report; and every such report, shall be signed or thumb-printed by the person making it and where the person making the report is an illiterate, the officer obtaining the report shall endorse that fact on the report together with a statement to the effect that it was read over and interpreted to the maker.

(2) Every report, whether in writing or reduced into writing, shall be entered in a book kept at the office of the Commission and there shall be appended to such entry the date and hour at which such report was made.

(3) Any document certified by any officer of the Commission under subsection (2) in respect of a report under subsection (1), shall be admissible as evidence of the contents of the original and of the time, place and manner in which the report was recorded.

Power to examine persons Cap.359 LrN 1990.

32. An officer of the Commission investigating an offence under this Act may comply with the provisions of the Police Act, and or any other Act regulating the obtaining of statements, investigating and evidence.

Summons against suspects.

33. Subject to the provisions of sections 34 to 38 of this Act, the Commission may issue a summons directed to a person complained against or any other person to attend before the Commission for the purpose of being examined in relation to the complaint or in relation to any other matter which may aid or facilitate the investigation of the complaint and a summons so issued shall state the substance of the complaint,

the time and place at which the inquiry is to be held, the substance of the complaint and a copy of the complaint thereof shall be handed over to the person against whom the complaint is directed.

34. 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.

Forms and service of summons.

35. Every summons under this Act shall be served by an officer of the Commission in the manner prescribed in the Sherrifs and Civil Process Act and any other laws relating to the service of process and the person effecting the service shall have and exercise all the powers conferred by the law and any other law relating to the service of process.

Service of summons. Cap. 407 LFN 1990.

36. Where the person summoned by the Commission is in the service of government, the Commission may deliver the summons in duplicate to the head of the department in which such person is employed for the purpose of its being served on that person and such officer shall thereupon cause the summons to be served on that person.

Substituted service.

37. Where a summons has been served upon to whom it is addressed or is delivered to any other person, the person to whom it is addressed or delivered as the case may be, shall sign a receipt therefore on the duplicate and where service is not effected by handing the summons to an individual but by some other method approved by this Act, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.

Acknowledgement of service.

38. 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 is guilty of an offence and on conviction be liable to one month imprisonment or five thousand Naira or fine.

Detention of person refusing to acknowledge service.

39.—(1) Every offence under this Act shall be bailable offence for the purpose of the Criminal Procedure Act, Criminal Code Act, Criminal Procedure Code Act or Penal Code Act.

Offence under Act to be seizable offences and bailable etc.

(2) Every person arrested under subsection (1) may be released from custody on his executing a bond with sureties, as an officer of the Commission may require.

Cap. 80 LFN 1990 ; Cap. 77 LFN 1990 Cap. 81 LFN 1990

(3) Any person who has been released from custody under subsection (2) may be re-arrested without warrant by any officer of the Commission—

(a) if such officer has reasonable grounds for believing that any condition on or subject to which such person was released or otherwise admitted to bail has been broken or is likely to break any condition on or subject to which such person was released; or

(b) 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.

(4) Any person arrested under subsection (3) who is not released on bail shall, without unreasonable delay, and in any case within twenty-four hours (excluding the time for any necessary journey) be produced before the Court and if it appears to the Court that any condition on or subject to which such person was released or otherwise admitted to bail has been or is likely to be broken, the court may—

(a) remand such person in custody; or

(b) admit such person to bail on the same conditions or on such other conditions as it thinks fit.

(5) Where a person who is arrested for an offence under this Act is serving a sentence of imprisonment or is in detention under any law relating to preventive detention, or is otherwise in lawful custody, he shall, upon an order in writing by an officer of the Commission be produced before such officer or before any other officer of the Commission for the purpose of investigation and for such purpose he may be kept in lawful custody for a period not exceeding fourteen days.

(6) A person who is detained in lawful custody under subsection (5) or otherwise under any other written law may, at any time, be made available to an officer of the Commission for the purpose of investigation, or may be taken to any other place for the purpose of searching the place, or seizing any property, or identifying any person or for any other purpose related to the investigation.

(7) The period during which a person is under lawful custody under subsection (6) shall count towards the period of his imprisonment, detention or other custody.

40. Where the Commission has evidence that any property is the subject-matter of an offence under this Act or was used in the commission of the offence, and such property is held or deposited outside Nigeria, the Commission may make an application by way of an affidavit to a Judge of the High Court for an order prohibiting the person by whom the property is held or with whom it is deposited from dealing with the property.

Prohibition
of dealing
with
property
outside
Nigeria.

41.—(1) In any prosecution for an offence under this Act, the court shall make an order for the forfeiture of any property which is proved to be the sub-matter of the offence or have been used in the commission of the offence where—

Forfeiture of
property
upon
prosecution
for an
offence.

(a) the offence is proved against the accused ; or

(b) that the accused is not the true and lawful owner of such property ; or

(c) that no other person is entitled to the property as a purchaser in good faith for valuable consideration.

(2) Where the offence is proved against the accused or the property referred to in subsection (1) has been disposed of, or cannot be traced, the court shall order the accused to pay as a penalty a sum which is equivalent to the amount of the gratification or is, in the opinion of the court, the value of the gratification received by the accused, and any such penalty shall be recovered as a fine.

42.—(1) When an allegation of corruption or anything purporting to contravene any provision of this Act is made against the President or the Vice President of Nigeria or against any state Governor or Deputy Governor, the Chief Justice of Nigeria shall, if satisfied that sufficient cause has been shown upon an application on notice supported by an affidavit setting out the facts on which the allegation is based, authorise an independent counsel (who shall be a legal practitioner of not less than fifteen years standing) to investigate the allegation and make a report of his findings to the National Assembly in the case of the President or Vice President and to the relevant State House of Assembly in the case of the State Governor or Deputy Governor.

Independent counsel to investigate President etc.

(2) The Commission shall be enjoined to fully cooperate with such independent counsel and provide all facilities necessary for such independent counsel to carry out his functions.

43.—(1) Where in any proceedings against any person for an offence under sections 13 to 23, it is proved that any gratification has been accepted or agreed to be accepted, obtained or attempted to be obtained, solicited, given or agreed to be solicited or given, promised or offered, by or to the accused, the gratification shall be presumed to have been corruptly accepted or agreed to be accepted, obtained or attempted to be obtained, solicited, given or agreed to be solicited or given, promised or offered as an inducement or a reward for or on account of the matters set out in the particulars of the offence, until the contrary is proved.

Presumption in certain offences, etc.

(2) Where in any proceedings against any person for an offence under this Act or any other law prohibiting corruption, it is proved that such person has accepted or agreed to accept, obtained or attempted to obtain any gratification, such person shall be presumed to have done so as a motive or reward for the matters set out in the particulars of the offence, until the contrary is proved.

(3) Where in any proceedings against any person for an offence under this Act or any other law prohibiting corruption, it is proved that such person has accepted or attempted to obtain any valuable thing without consideration or for a consideration which he knows to be inadequate, such person shall be presumed to have done so with knowledge as to the circumstances set out in the particulars of the offence, until the contrary is proved.

(4) Where in any proceedings against any person for an offence under the Custom and Excise Management Act, it is proved that any officer of customs or other person duly employed for the prevention of smuggling has accepted, agreed to accept or attempted to obtain any bribe, gratuity, re-compence, or reward, such officer or person shall be presumed to have done so for such neglect or non-performance of his duty as set out in the particulars of the offence, until the contrary is proved.

Cap. 84 LFN 1990.

44. In any proceedings against any person for an offence under sections 13 to 23 of this Act, it may be proved that at or about the time of the alleged offence, or at any time thereafter the accused, or any relative or associate of his—

Public evidence of corroboration.

(a) held any property for which he, or his relative or associate, as the case may be, is unable to give a satisfactory account as to how he came into its ownership, possession, custody or control, or

(b) had entered into any dealing for the acquisition of any property and he is unable to satisfactorily account for the consideration for which it was or is agreed to be acquired,

the evidence in relation thereof shall be presumed to corroborate any evidence relating to the commission of the offence.

Presumption in favour of admissibility of certificate issued by principal or employer, etc.

45.—(1) A certificate issued by a principal or an officer on behalf of his principal shall be admissible in evidence in any proceedings against any person for any offence under this Act as *prima facie* proof that the person named in such certificate—

(a) held the position, office or capacity specified in such certificate and for such period so specified; and

(b) received the emoluments specified in such certificate.

(2) A certificate issued under sub-section (1) shall be *prima facie* proof that it was issued by the person purporting to issue it as principal or on behalf of the principal without proof of the signature of the person who issued such certificate and without proof of the authority of such person to issue it in the absence of any reasonable proof to the contrary.

Joinder of offences.

46. Subject to the provisions of any other Act or law where a person is accused of more than one offence under this Act, he may be charged with and tried at one trial for any number of such offences committed within the space of any length of time.

Certificate of indemnity in favour of full disclosure.

47.—(1) Every person required to give evidence under this Act who, in the opinion of the court, makes a true and full disclosure of all things to which he is lawfully examined, shall be entitled to receive a certificate of indemnity under the seal of the court stating that he made a true and full disclosure of all things on which he was examined, and such certificate shall be a bar to any legal proceedings against him in respect of any such things.

(2) An application by the Chairman under subsection (1) may be presented to the court by the officer conducting the prosecution.

Protection of informers and information.

48.—(1) Subject to subsection (2), where any complaint made by any officer of the Commission states that the complaint is made in consequence of information received by the officer making the complaint, the information referred to in the complaint and the identity of the person from whom such information is received shall be secret between the officer who made the complaint and the person who gave the information, and everything contained in such information, identity of the person who gave the information and all other circumstances relating to the information, including the place where it was given, shall not be disclosed or be ordered or required to be disclosed in public but only to the trial judge and the defence lawyer in attendance in any civil, criminal or other proceedings in any court or tribunal.

(2) Any person who gives the information referred to in subsection (1) knowing the information to be false is guilty of an offence and on conviction be liable to imprisonment for a term not exceeding ten years, or fine not exceeding one hundred thousand Naira.

49. No legal proceedings, civil or criminal, shall be instituted against any officer of the Commission or any other person assisting such officer for any act which is done in good faith or for any omission in good faith by such officer or other person.

Protection of officers of the Commission.

50.—(1) The provisions of this Act shall, in relation to citizens and persons granted permanent residence in Nigeria, have effect outside as well as within Nigeria, and when an offence under this Act is committed in any place outside Nigeria by any citizen or persons granted permanent residence in Nigeria, he may be dealt with in respect of such offence as if it was committed at any place in Nigeria.

Liability for offences outside Nigeria.

(2) Any proceedings against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence was committed in Nigeria shall be a bar to further proceedings against him under any written law relating to the extradition of persons, in respect of the same offence, outside Nigeria.

(3) The Commission shall have the power to engage the service of INTERPOL or such local or international institution, body or persons possessing special knowledge or skill on the tracing of properties or detection of cross border crimes.

51. Where any provision of this Act is similar or contrary in any material particular to the provisions of any other Act, the provision of that other Act with respect to investigation, prosecution and penalty shall prevail.

Application of provisions of this Act to any prescribed offence.

52. Any person convicted for an offence under this Act for which no penalty is specifically provided is liable to a fine not exceeding ten thousand Naira or to imprisonment for a term not exceeding six months or both.

General penalty for other offences.

53. Nothing contained in this Act shall derogate from the powers of a police officer to investigate any offence under this Act or to prosecute any person in respect of any such offence provided that the Police shall bring to the attention of the Commission every case of bribery, corruption or fraud being investigated or prosecuted by them after the coming into force of this Act.

Powers of police officers under this Act Cap. 359 LFN 1990.

54. A person convicted for an offence under this Act or any other law prohibiting bribery or corruption shall have and exercise any or all such rights of appeal as conferred by the Constitution of the Federal Republic of Nigeria in such case.

Right of Appeal.

55. The Corrupt Practices and Other Related Offences Act 2000 is repealed.

Repeal of Act No. 5 of 2000.

Appoint-
ments under
I.C.P.C. Act
2000.

56. Any appointment made under the Corrupt Practices and Other Related offences Act 2000 terminates at the commencement of this Act.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON.
Clerk to the National Assembly
14th Day of May, 2003

SCHEDULE TO THE CORRUPT PRACTICES AND OTHER RELATED OFFENCE ACT, 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of Contents of the Bill</i>	(4) <i>Date passed by Senate</i>	(5) <i>Date passed by House of Representatives</i>
The Corrupt Practices and other Related Offences Act, 2003	An Act to Prohibit and Prescribe Punishment for Corrupt Practices and Other Related Offences and establish Anti-Corruption Commission.	<p>The Act seeks to prohibit and prescribe punishment for corrupt practices and other related offences.</p> <p>It further seeks to establish Anti-Corruption Commission vesting it with the responsibility for investigation and recommendation for prosecution or otherwise to the Attorney-General of the Federation or of a State.</p> <p>It also makes provision of the protection of anybody who gives information to the Commission in respect of any offence committed or likely to be committed by any other person.</p>	26-2-2003	13-3-2003

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON
Clerk to the National Assembly
 14th March, 2003

I certify that this Bill as duly passed has become an Act of the National Assembly in accordance with the provision of section 58 (5) of the 1999 Constitution of the Federal Republic of Nigeria.

Endorsed by :

SENATOR ANYIM PIUS ANYIM, GCON
Senate President
18th May, 2003

HON. GHALI UMAR NA'ABBA
Speaker of the House of Representatives
18th May, 2003