

FEDERAL COURT OF APPEAL (AMENDMENT) ACT 1981

A BILL

FOR

AN ACT TO AMEND THE FEDERAL COURT OF APPEAL DECREE 1976 AND FOR PURPOSES CONNECTED THEREWITH.

[Sponsored by SENATOR OLUSOLA A. SARAKI
Ilorin/Asa Senatorial District,
Kwara State]

[]
1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows :—

Commence-
ment.

3 1. Section 1 of the principal Act is hereby amended by *deleting* the
4 words from "twenty-two" to "Gazette" inclusive and *substituting*
5 therefor the word "thirty-six".

Amendment
of Section 1
of principal
Act.

6 2. Section 3 of the principal Act is hereby amended—
7 (a) in subsection (1) thereof by *deleting* the expression "Head of
8 the Federal Military Government" and *substituting* therefor the ex-
9 pression "President of the Federal Republic of Nigeria"; and

Amendment
of Section 3
of principal
Act.

10 (b) in subsection (2) thereof by *deleting* the words "a State" and
11 *substituting* therefor the words "the Federal High Court."

12 3. Section 4 of the principal Act is hereby amended by *deleting* the
13 expression "121D of the Constitution of the Federation" and *substituting*
14 therefor the expression "255 of the Constitution of the Federal Republic
15 of Nigeria 1979."

Amendment
of Section 4
of principal
Act.

Amendment
of Section 8
of principal
Act.

- 1 4. Section 8 of the principal Act is hereby amended—
2 (a) in subsection (2) thereof, by *deleting* the words “with the
3 approval of the Federal Executive Council” ; and
4 (b) by *repealing* subsection (3) thereof.

Amendment
of Section 21
of principal
Act.

- 5 5. Section 21 of the principal Act is hereby amended in subsection
6 (3) by *deleting* the expression “Head of the Federal Military Govern-
7 ment” wherever it may occur, and *substituting* therefor the expression
8 “President of the Federal Republic of Nigeria.”

Amendment
of Section 25
of principal
Act.

- 9 6. Section 25 of the principal Act is hereby amended in subsection
10 (4) by *deleting* the words “except in the case of a conviction involving
11 the sentence of death.”

Repeal of
Section 31
of principal
Act.

- 12 7. Section 31 of the principal Act is hereby repealed.

Amendment
of Section 32
of principal
Act.

- 13 8. Section 32 of the principal Act is hereby amended in the defini-
14 tion of the words “the Court of Appeal” or “the Court” by *deleting* the
15 expression “121A of the Constitution of the Federation” and *substituting*
16 therefor the expression “217 of the Constitution of the Federal Republic
17 of Nigeria 1979.”

Interpreta-
tion.

- 18 9. In this Act—
19 “principal Act” means Federal Court of Appeal Decree 1976.

Short Title.

- 20 10. This Act may be cited as the Federal Court of Appeal (Amend-
21 ment) Act 1981.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to bring the Federal Court of Appeal Decree 1976 in line with the provisions of the Constitution of the Federal Republic of Nigeria 1979 as well as to considerably increase the number of the Justices of that Court in order to be able to cope with the ever increasing volume of appeal cases being lodged with that Court.

CODE OF CONDUCT (PROCEDURE) ACT 1981

ARRANGEMENT OF CLAUSES

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The Bill, which will be presented to the National Assembly in due course for enactment, is published for general information.

A BILL

FOR

AN ACT TO PROVIDE FOR THE PROCEDURE RELATING TO PROCEEDINGS BEFORE THE CODE OF CONDUCT BUREAU AND THE CODE OF CONDUCT TRIBUNAL, FOR APPEALS FROM DECISION OF THE CODE OF CONDUCT TRIBUNAL AND FOR MATTERS CONNECTED THEREWITH.

[]

Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federation
2 of Nigeria as follows :—

3 *I—Interpretation*

4 1. In this Act, unless the context otherwise requires—

Interpre-
tation.

5 “Bureau” means the Code of Conduct Bureau established by
6 Section 15 of the Fifth Schedule to the Constitution.

7 “Code of Conduct” refers to the Code of Conduct for Public
8 Officers set out in Part I of the Fifth Schedule to the Constitution.

9 “complaint” refers to a written statement that a public officer has

1 committed a contravention of the Code of Conduct.

2 "complainant" means the person who makes a complaint.

3 "Computer" includes any machine, device typewriter or other
4 equipment by whatever name called, capable of receiving, accepting,
5 processing or storing information and reproducing the same through
6 mechanical or electronic process.

7 "Constitution" means the Constitution of the Federal Republic of
8 Nigeria, 1979.

9 "court of law" means and includes a court established by or under
10 section 6 of the Constitution.

11 "Disciplinary Authority" means any authority responsible for the
12 exercise of disciplinary control over persons holding public offices in
13 the Public Service of the Federation or in the Public Service of a State.

14 "Head of department" includes an officer in the Public Service
15 who is in charge of a section or division of a ministry or department.

16 "legislative house" includes either of the Houses of the National
17 Assembly or the House of Assembly of any State.

18 "officer" when used with reference to the Bureau or the Tribunal
19 means the Secretary, Deputy Secretary or an Assistant Secretary of
20 the Bureau and the Registrar or an Assistant Registrar of the Tribunal.

21 "police" means the Nigeria Police or any officer thereof.

22 "prescribed form" or "prescribed manner" refers to any notice,
23 summons, warrant or other document of whatsoever nature in the form
24 or substantially in the form contained in the First Schedule to this Act.

25 "Public officer" has the same meaning as assigned to it in Section 21
26 of the Fifth Schedule to the Constitution.

27 "Public Service of the Federation" and "Public Service of a State"
28 have the meanings assigned to them under the Constitution.

1 "Registrar" includes the deputy registrar, an assistant registrar
2 or any officer acting in or performing the functions of such offices.

3 "Secretary" includes the deputy secretary, an assistant secretary
4 or any officer acting in or performing the functions of such offices.

5 "Tribunal" means the Code of Conduct Tribunal established by
6 Section 17 (1) of the Constitution.

7 II.—Complaint

8 2.—(1) A complaint that a public officer has committed any act or
9 omission which constitutes non-compliance with or breach of the Code
10 of Conduct may be made by any person to the Bureau.

Complaint by
any person.

11 (2) The complaint shall be made by Affidavit in the prescribed
12 manner and shall state whether the complainant knows, or that he has
13 reasonable grounds to believe, that the Public Officer has failed to
14 comply with or has committed a breach of the Code of Conduct. The
15 Affidavit shall also contain in a concise manner the facts and grounds
16 which support the conclusion that the public officer has contravened
17 the Code of Conduct.

First
Schedule
Form I.

18 (3) The complainant shall file in the Secretariat of the Bureau as
19 many copies of such Affidavit as the Secretary may require and shall
20 furnish the Secretariat with an address where he can be served with
21 notices and other documents.

22 3.—(1) Where, in the course of disciplinary proceedings against a
23 public officer, it appears to the disciplinary authority that the public
24 officer has or may have committed a contravention of the Code of
25 Conduct, that authority shall refer the question to the Bureau and suspend
26 the disciplinary proceedings before it.

Complaint by
disciplinary
authority.

27 (2) The reference mentioned in this section shall set out in a concise
28 manner the facts and grounds which led the disciplinary authority to

Complaints
in course of
proceedings.

1 consider that the public officer has or may have contravened the Code
2 of Conduct and six clear copies of such reference shall be despatched
3 to the Secretary.

4 4. Where in the course of any proceedings before a legislative house
5 or a court of law any question arises as to whether or not a public officer
6 has contravened the Code of Conduct and it is necessary to determine
7 that question in such proceedings, then the proceedings shall be stayed
8 and the person presiding over such legislative house or court of law shall
9 forthwith refer the question to the Conduct Bureau together with a
10 concise statement of the facts and grounds giving rise to the question.

General
powers of
initiating
investi-
gation.

11 5. The Chairman, Secretary or any member of the Bureau may, if
12 satisfied that there are reasonable grounds for suspecting that a contra-
13 vention of the Code of Conduct has been committed by any person,
14 commence an investigation into the matter whether or not a complaint
15 has been filed with respect to such contravention in accordance with the
16 provisions of this Act.

17 *III.—Investigation of Complaint*

Notice to
public
officers of
details of
allegations.

18 6. Upon receipt of a complaint pursuant to sections 2, 3 or 4 of
19 this Act, or after deciding to commence an investigation pursuant to
20 the provisions of section 5 thereof, the Secretary or other person autho-
21 rised by the Bureau shall furnish the public officer concerned with a copy
22 of the Affidavit or of the facts and grounds in support of the allegation
23 that he has contravened the Code of Conduct.

Powers of
persons
authorised to
investigate
complaint.

24 7. Any person authorised in writing in the prescribed manner by
25 the Chairman or a member of the Bureau shall, for the purpose of
26 carrying out an investigation of a complaint, have power to :

First
Schedule
Form 2.

1 (a) ask any person any question relevant to the investigation
2 of the complaint and to record the substance of such questions and
3 the answers thereto ;

4 (b) require any person to produce any document, book, file, record,
5 ledger card, or any information contained or stored in any computer,
6 which the Bureau considers relevant to and necessary for the purposes
7 of the investigation ;

8 (c) direct the public officer concerned to give him the authority
9 to inspect and obtain copies of statements of account from any bank
10 outside Nigeria of which he (the said public officer) is or is alleged
11 to be a customer ;

12 (d) enter any premises for the purpose of conducting a search in
13 accordance with the provisions of this Act ; and

14 (e) seize or take copies of any books, papers, documents or ledger
15 cards in accordance with the provisions of this Act ;

16 provided that no books or ledger cards used by a bank shall be
17 seized if the Bank is willing to furnish secondary evidence of any relevant
18 statement contained in such books or ledger cards.

19 8.—(1) Whenever it appears to the Bureau that there is reasonable
20 cause to believe in any place there is any document containing any
21 evidence of the commission of a contravention of the Code of Conduct
22 or any article or property relating to such contravention, it may, by
23 warrant directed to any officer of the Bureau, or of the police, empower
24 the officer named therein to enter such place by force if necessary and
25 search for, seize and detain any such document, article or property.

Powers of
search and
seizure.

26 (2) Whenever it appears to any officer or member of the Bureau
27 that there is reasonable cause to believe that in any place there is

1 concealed or deposited any document containing evidence of a contra-
2 vention of the Code of Conduct and the officer as aforesaid has reasonable
3 grounds for believing that by reason of the delay in obtaining a warrant
4 the object of the search is likely to be frustrated, that member or officer
5 may exercise in and in respect of such place all the powers mentioned in
6 subsection (1) of this section in as full and ample a manner as if he were
7 empowered to do so by warrant issued under the said subsection.

Report of
Investi-
gation.

8 9.—(1) Where before or in the course of an investigation into his
9 conduct, a public officer admits that he has contravened the Code of
10 Conduct alleged against him in accordance with section 2 or 3 of this
11 Act, the Code of Conduct Bureau shall prepare a Report on his case
12 and submit the Report to the Tribunal.

13 (2) Where, in the course of any proceedings before a court of law,
14 a public officer who is a party thereto admits that he has contravened
15 the Code of Conduct thereby making it unnecessary for the court to
16 adjudicate upon that question, the court shall prepare a Report on the
17 case of that officer and submit such Report to the Tribunal.

First
Schedule
Form 3.

18 (3) In every case where a public officer denies that he has con-
19 travened the Code of Conduct he shall file an Affidavit in the prescribed
20 form dealing specifically with and answering every allegation contained
21 in the Affidavit or the statement of the facts and grounds supporting
22 the complaint against him.

23 (4) No Report of Investigation shall be submitted by the Bureau
24 to the Tribunal in respect of a public officer who denies that he has
25 contravened the Code of Conduct until after—

26 (a) he has been furnished with certified true copies of all oral
27 statements or documents intended to be used to establish the case
28 against him ;

1 (b) he has been given the opportunity to cross-examine the person
2 or persons intended to be called as witnesses to establish the case
3 against him ;

4 (c) he has been given the opportunity to examine any file or other
5 record of the Government public authority, or statutory corporation
6 relevant to his case; and

7 (d) he has called such witnesses as he considers can give relevant
8 information to the Bureau on the question whether or not he has
9 contravened the Code of Conduct.

10 (5) If the Bureau considers that the investigation reveals a case
11 against the public officer which ought to be tried in order to ascertain
12 whether or not there has been a contravention of the Code of Conduct
13 as alleged in the complaint or otherwise, the Code of Conduct Bureau
14 shall refer the case to the Code of Conduct Tribunal with a Report of
15 the Investigation.

16 (6) A report of the Investigation in respect of a public officer shall
17 consist of—

18 (a) a copy of the complaint ;

19 (b) a copy of every statement in writing made by any person in the
20 course of investigation ;

21 (c) a copy of any proceedings before the Bureau pursuant to the
22 provisions of section 9 (4) of this Act; and

23 (d) a statement (with full particulars) of the contravention for
24 which the Bureau considers that the public officer ought to be tried
25 together with full particulars of the said contravention; and

1 (e) a statement under the hand of the Chairman or other member
2 of the Code of Conduct Bureau confirming that in the opinion of
3 the Bureau the case is one which ought to be tried by the Tribunal.

Assembly
and despatch
of the Report
of Investi-
gation.

4 10. The Report of Investigation shall be assembled and bound by
5 the Secretary and as many copies thereof as are prescribed from time
6 to time by the Chairman of the Code of Conduct Tribunal shall be
7 despatched to the Registrar of that Tribunal and two copies shall be
8 despatched to the Clerk of the National Assembly.

9 IV. Trial of Complaint and Matters

10 incidental thereto

Hearing
Notice :
First Sche-
dule Form 4.

11 11.—(1) Upon receiving copies of a Report of Investigation, the
12 Registrar of the Bureau shall immediately inform the Chairman of the
13 Bureau who shall fix a date for the hearing of the matter.

14 (2) A hearing notice shall be in the prescribed form and the period
15 between the service of such notice on the public officer concerned and
16 the date fixed for hearing of the matter shall not be less than twenty-
17 one days.

18 (3) The hearing notice shall be served personally on the public
19 officer or on the Head of Department and on the Clerk of the National
20 Assembly.

Counsel for
the people
of Nigeria.

21 12. The Clerk of the National Assembly shall, subject to the
22 direction of the President of the Senate, direct any legal practitioner on
23 the staff of the National Assembly or instruct any legal practitioner in
24 private practice to represent the People of Nigeria in presenting the
25 case against a public officer before the Tribunal.

1 13. A public officer who is on trial before the Tribunal may be
2 represented by counsel of his choice at his own expense.

Representa-
tion of
public
officer.

3 14. The procedure for the trial of a complaint referred to the Code
4 of Conduct Tribunal shall be as follows :—

Procedure
for trial.

5 (1) The Tribunal shall accord precedence to cases which originate
6 from a legislative house or from a court of law ;

7 (2) The Statement of the contravention of which the public
8 officer is accused shall be read out to him and he shall be asked to
9 state whether or not he admits the contravention.

10 (3) If the public officer admits the contravention, the Tribunal
11 shall record such admission and proceed to deal with the matter in
12 accordance with the provision of Section 19 of this Act.

13 (4) If the public officer states that he does not admit the contraven-
14 tion, then the counsel for the People of Nigeria shall open the case and
15 call such witnesses as he may consider necessary to establish the
16 allegations of contravention against the public officer.

17 (5) At the end of the case for the People of Nigeria, the public
18 officer shall be called upon to give evidence on his own behalf and to
19 call such witnesses as he may consider necessary to defend himself.

20 15. The Tribunal may, at any stage of the proceedings, either on
21 its own motion or on the application of either of the parties, amend the
22 proceedings or any document, including (but not limited to) the state-
23 ment of the contravention of which the public officer is accused or any
24 defect or error therein and all such amendments shall be made as may
25 be required for the furtherance of justice or to enable the Tribunal to
26 deal with the substance of the allegations on its merits : provided that
27 where a substantial amendment is made after all or some of the witnesses

Power to
amend the
proceedings.

1 have testified the Tribunal shall make such order for re-opening the case
2 or recalling witnesses for further examination or cross-examination as
3 may be necessary in the interest of justice.

Application
of rules of
evidence.

4 - 16. Save to the extent to which express provisions are made in this
5 Act, the provisions of the Evidence Act as well as other rules of evidence
6 which are applicable in the trial of criminal proceedings, shall apply in
7 proceedings before the Tribunal.

Addresses.

8 17.—(1) At the close of the case for the public officer, counsel for
9 the People of Nigeria shall address the Tribunal after which the public
10 officer or his counsel shall be at liberty to address the Tribunal in reply.

11 (2) Except on the request of the Tribunal, in exceptional cir-
12 cumstances, no further addresses shall be allowed and the hearing of the
13 matter shall be considered as closed.

Decision of
Tribunal.

14 18.—(1) Where the Tribunal adjudges that a public officer has not
15 committed the contravention alleged against him it shall declare that the
16 contravention has not been proved and a certificate to that effect shall be
17 issued to the public officer and to the Clerk of the National Assembly.

18 (2) Where the Tribunal adjudges that a public officer has committed
19 the contravention alleged against him it shall declare that the contraven-
20 tion has been proved and a certificate to that effect shall be issued to the
21 public officer and to the Clerk of the National Assembly.

22 (3) Where the proceedings before Tribunal originate from a legis-
23 lative house, a court of law or a disciplinary authority, the certificate
24 mentioned in this section shall also be issued to the clerk of the appro-
25 priate legislative house or the registrar of the appropriate court or the
26 secretary or other proper officer of the appropriate disciplinary authority,
27 as the case may require.

1 19.—(1) Where the Tribunal adjudges that a public officer is guilty Punishment,
2 of the contravention alleged against him or where the public officer admits etc.
3 the contravention alleged against him, the Tribunal may—

4 (a) direct an inquiry into the extent or amount of unjust improper
5 enrichment or benefit received by, conferred upon, or accruing to the
6 public officer as a result of the contravention ;

7 (b) direct that the public officer shall pay to the State the amount of
8 unjust or improper enrichment or benefit as aforesaid or that he shall
9 make restitution to the State as the case may require ;

10 (c) issue an order prohibiting a public officer to whom clause 4 of
11 the Fifth Schedule to the Constitution applies from holding more
12 than one remunerative position as chairman, director or employee of
13 any company owned or controlled by the government or public
14 authority or from receiving any remuneration from public funds in
15 addition to his pension and the emolument of that one remunerative
16 position ;

17 (d) issue an order prohibiting a person to whom clause 5 of the
18 Fifth Schedule to the Constitution applies from service or employment
19 in any foreign company or foreign enterprise ;

20 (e) direct the public officer or his nominee to give necessary order
21 to any foreign bank or person resident outside Nigeria to pay any sum
22 of money held to the credit of the public officer over to the Central
23 Bank as trustee or banker for the State ;

24 (f) order the manager of any bank in Nigeria to transfer any sum of
25 money from the account of a public officer or his nominee, trustee or
26 other agent to the Central Bank in trust for the government of the
27 federation or of any State ; or

1 (g) direct that the public officer or a nominee trustee or other agent
2 of the public officer shall execute a conveyance, transfer or assignment
3 of all or part of the right title or interest in any property or asset
4 vested in him and adjudged to have been acquired wholly or partly in
5 abuse or corruption of office to the State ;

6 (h) direct that the public officer shall vacate his office or seat in any
7 legislative house.

8 (2) Where a public officer neglects or refuses to comply with a
9 direction or order given or made by the Tribunal in accordance with
10 this section, the Tribunal may—

11 (a) issue an order directing the sale of the properties and assets of
12 the public officer for the purpose of satisfying any order for restitution
13 made against that public officer ;

14 (b) order that the conveyance, transfer or assignment of all or part
15 of the right title or interest of a public officer in any property or asset
16 to the State shall be executed by the Registrar or such other person as
17 the Tribunal may nominate for that purpose, and a conveyance, transfer
18 or assignment so executed shall operate and be for all purposes available
19 and valid as if it had been executed by the public officer originally
20 directed to execute it.

21 (3) Where the Tribunal directs that the office of a member of a
22 legislative house shall be vacated, it shall forthwith certify such decision
23 to the President of the Senate or the Speaker of the legislative house
24 concerned as the case may require.

Punishment
of certain
public
officers.

25 20.—(1) Where the Tribunal adjudges that a public officer to whom
26 this section applies has contravened the Code of Conduct and it appears

1 to it that the appropriate punishment to impose for such contravention is
2 that that officer shall vacate his office, it shall direct that officer be
3 suspended from office and submit a report of the case to the President of
4 the Senate (in the case of an officer in the public service of the Federation)
5 or to the Speaker of the appropriate House of Assembly (in the case of an
6 officer in the public service of a State).

7 (2) Within six months after the decision of the Tribunal adjudging
8 that the public officer ought to vacate his office or within one month
9 after a decision of the Federal Court of Appeal or of the Supreme Court
10 affirming such decision or giving a decision to the same effect, the National
11 Assembly or the Senate (as the case may require in the case of an officer
12 in the public service of the Federation) or the House of Assembly of the
13 appropriate State (in the case of an officer in the public service of a State)
14 shall cause proceedings to be initiated pursuant to Sections 132, 144, 170
15 and 256 of the Constitution, as the case may require.

16 (3) If the public officer has not been removed from office within the
17 time prescribed in this section after a finding by the Tribunal that he is
18 guilty of a contravention of the Code of Conduct, the Tribunal may
19 impose a punishment putting such judicial officer on suspension without
20 pay for a period not exceeding two years.

21 (4) Nothing in this section shall be construed as a bar to proceedings
22 for the removal of the public officer from office pursuant to the provisions
23 of section 256 of the Constitution at any time after he has been suspended
24 from office on account of a contravention of the Code of Conduct.

25 (5) In computing the period of time prescribed under subsection
26 (2) of this Section, the period during which a legislative house is in recess
27 shall be excluded.

1 (6) the provisions of this section applies to—

2 (a) the President of the Federal Republic of Nigeria,

3 (b) the Vice-President of the Federal Republic of Nigeria,

4 (c) the Chief Justice of Nigeria,

5 (d) the Governor of a State,

6 (e) the Deputy Governor of a State,

7 (f) the Chief Judge of the High Court of a State,

8 (g) the Grand Kadi of a Sharia Court of Appeal,

9 (h) the President of a Customary Court of Appeal,

10 (i) Chairman and members of the Federal Civil Service Commission,

11 Council of State, Federal Electoral Commission, Federal Judicial

12 Service Commission, National Population Commission and the Police

13 Service Commission.

14 (j) Chairman and members of a State Civil Service Commission,

15 a State Judicial Service Commission and a State Electoral Commission.

Powers to
suspend
public
officer.

16 21.—(1) Where a public officer is awaiting or undergoing trial

17 before the Tribunal, a Disciplinary Authority may suspend him from the

18 performance of his functions as a public officer until the determination

19 of the trial.

20 (2) Notwithstanding the fact that a Disciplinary Authority declines

21 or neglects to order or direct the suspension of a public officer as aforesaid

22 the Tribunal may do so of its own motion or on the application of Counsel

23 for the People of Nigeria.

24 (3) In exercising the powers conferred by the provisions of this

25 section the Disciplinary Authority or the Tribunal shall have, as its

26 overriding consideration, the requirements or interests of good

27 administration and the need for public confidence in the public service.

1 22.—Subject to the provisions of this Act, the Tribunal shall have
2 and may exercise any of the following powers, that is to say—

Powers of
tribunal
with regard
to conduct
of proceed-
ings.

3 (a) the power to procure all such evidence, written or oral, and to
4 examine all such persons as witnesses as the tribunal may think it
5 necessary or desirable to procure or examine ;

6 (b) the power to require such evidence to be given on oath as is
7 required of a witness testifying before a magistrate's court ;

8 (c) the power to summon any person in Nigeria to attend any
9 meeting of the tribunal to give evidence or produce any document or
10 other thing in his possession and to examine him as a witness or
11 require him to produce any document or other thing in his possession,
12 subject to all just exceptions. Summonses issued under this paragraph
13 shall be served by the police or by such person as the members of
14 the Tribunal may direct ;

15 (d) the power to issue a warrant to compel the attendance of any
16 person who, after having been summoned to attend fails or refuses or
17 neglects to do so and does not excuse such failure or refusal or neglect
18 to the satisfaction of the Tribunal, and to order him to pay all costs
19 which may have been occasioned in compelling his attendance or by
20 reason of his failure or refusal or neglect to obey the summons, and
21 also to fine such person a sum not exceeding fifty Naira such fine to be
22 recoverable in the same manner as a fine imposed by a magistrate's
23 court. A warrant issued under this paragraph shall be in the prescribed
24 form and may be executed by any member of the Police Force and by
25 such person as the members may direct ;

1 (e) the power to admit any evidence, whether written or oral,
2 notwithstanding that such evidence might have been inadmissible in
3 civil or criminal proceedings before a court, and power to act on such
4 evidence in all cases where it is satisfied that the procurement of
5 relevant evidence will occasion unreasonable delay and expense ;

6 (f) the power to appoint any person, whether or not such person
7 is in the government service, to act as interpreter in any matter brought
8 before it and to translate any books, papers or writings produced to it ;

9 (g) the power to enter upon any land or premises personally or by
10 any agent or agents duly authorised in writing by the members, for
11 any purpose which, in their opinion is material to the trial and in
12 particular, for the purpose of obtaining evidence or information or of
13 inspecting or taking copies of any documents required by or which
14 may be of assistance to, the Tribunal, and for safeguarding any such
15 document or property which in the opinion of the members ought to
16 be safeguarded for any purpose of the inquiry.

Power to
issue
summons.

First
Schedule
Forms 5
and 6.

Penalty for
failing to
give
evidence,
etc.

17 23. The Chairman or other person presiding or designated or
18 assigned to preside over the Tribunal shall have power to issue sub-
19 poenas in the prescribed form and where a witness served with a sub-
20 poena fails to attend voluntarily before the Tribunal a warrant may be
21 issued in the prescribed form for his arrest to bring him before the
22 Tribunal. Such warrant shall be executed by the police.

23 24. Any person who, after service on him of a summons to attend
24 as a witness or to produce a book, document or any other thing and, not-
25 withstanding any duty of secrecy however imposed, fails or refuses or
26 neglects to do so or to answer any question put to him by or with the
27 concurrence of the tribunal shall be guilty of an offence, and liable

1 on summary conviction to a fine of five hundred Naira or to imprison-
2 ment for a term of six months.

3 Provided that no person shall be bound to incriminate himself and
4 every witness shall, in respect of any evidence written by him for or
5 given by him before the members, be entitled to the same privilege to
6 which he would have been entitled if giving evidence before a court of
7 law.

8 25. — Any person who commits an act of contempt, whether the
9 act is or is not committed in the presence of the members sitting at a
10 trial, shall be liable—

Contempt
of tribunal.

11 (a) on summary conviction before a Federal High Court to a fine
12 of five hundred Naira or to imprisonment for a term of six months ;

13 (b) on the order of the Tribunal to a fine of one hundred Naira, such
14 fine being recoverable in the same manner as if it were imposed by a
15 court of law.

16 (2) An appeal shall be to the Federal Court of Appeal within whose
17 area of jurisdiction the act concerned was committed against any order
18 made by a tribunal under subsection 1 (b) of this section as if such order
19 were a decision of a court of law against which an appeal lay.

20 (3) Where an act of contempt is alleged to have been committed
21 but not in the presence of the members sitting at a trial the Tribunal
22 may by summons in the prescribed form require the offender to appear
23 before the Tribunal, at a time and place specified in the summons, to
24 show cause why he should not be judged to have committed an act of
25 contempt and be dealt with accordingly. Summonses issued under this
26 subsection shall be served by the police or by such other person as the
27 Tribunal may direct.

First
Schedule
Form 7.

First
Schedule
Form 8.

1 (4) If any person who has been summoned in accordance with
2 subsection (3) of this section fails or refuses or neglects to attend at the
3 time and place specified in the summons, the Tribunal may issue a
4 warrant for his arrest as if he were a witness served with a subpoena who
5 had failed to attend voluntarily in obedience thereto and order such
6 person to pay all costs which may have been occasioned in compelling
7 his attendance or by his failure or refusal or neglect to obey the summons,
8 and may in addition fine such person a sum of one hundred Naira such
9 costs and fine to be recoverable in the same manner as if they were
10 imposed by a court of law.

Contempt
defined.

11 26. For the purposes of section 25 of this act, the following shall
12 be deemed to be an act of contempt—

13 (a) any act of disrespect and any insult or threat offered to a
14 Tribunal or any member thereof while sitting as a member of the
15 Tribunal ;

16 (b) any act of disrespect and any insult or threat offered to a
17 member at any other time and place on account of his proceedings in
18 his capacity as a member of the Tribunal ;

19 (c) any publication calculated to prejudice an inquiry or any
20 proceedings therein ;

21 (d) the refusal or neglect by any person to carry out the order or
22 direction of the Tribunal ; and

23 (e) the obstruction by any person of the effort of any other person
24 to carry out the order or direction of the Tribunal.

Record of
proceedings.

25 27. The Tribunal shall keep and maintain an accurate record of
26 proceedings before it and a certified true copy thereof shall, on payment
27 of the appropriate fee, be made available to the public officer, his Head
28 of Department, the Clerk of the National Assembly or other person

1 who satisfies the Chairman of the Tribunal that he is interested in the
2 proceedings : Provided that the fees chargeable for supplying certified
3 true copies of proceedings shall not exceed fees payable for obtaining
4 copies of proceedings before the Federal Court of Appeal.

5 *V₂—Constitution, Quorum, etc.*

6 28. All the members of the Bureau or all the members of the
7 Tribunal shall be entitled to be present at any meeting of either of
8 those bodies called for the purpose of giving general directions with
9 respect to their operations under this Act.

General
directions.

10 29.—(1) The Chairman and members of the Bureau shall be
11 appointed by the President, subject to the approval of the Senate.

Constitution
and Quorum
of Bureau.

12 (2) In addition to the Chairman the number of members of the
13 Bureau shall not exceed twenty.

14 (3) In appointing the members of the Bureau the President shall
15 ensure, so far as practicable, that the selection of persons for appoint-
16 ment reflects the federal character of Nigeria.

17 (4) The quorum for a meeting of all the members of the Bureau
18 shall be at least fourteen members.

19 30. In conducting an investigation or giving directions to the
20 Secretary pursuant to the provisions of this Act, the Chairman or
21 any one or more of the members of the Bureau shall, unless the Bureau
22 otherwise decides, constitute a quorum.

Investiga-
tions by the
Bureau.

23 31.—(1) The Chairman of the Tribunal or such other member
24 as he may assign in that behalf may, acting or sitting alone, exercise
25 any power vested in the Tribunal other than the actual trial of the
26 question whether or not a public officer has been guilty of the contraven-
27 tion alleged against him.

Conduct of
proceedings
of Tribunal.

1 (2) Any order, direction or decision made or given in pursuance
2 of the powers conferred by subsection (1) of this section may be varied,
3 discharged or reversed by the Tribunal.

4 (3) Subject and without prejudice to the foregoing provisions,
5 at least two members of the Tribunal shall form a quorum for the
6 purpose of the actual trial of a public officer who is accused of a contraven-
7 tion of the Code of Conduct or for the purpose of any application to
8 vary, discharge or reverse an order, direction or decision made or given
9 in pursuance of the powers conferred by subsection (1) of this Section.

10 (4) The Chairman of the Tribunal may assign members (inclusive
11 of himself) to sit on a panel for the purpose of any proceedings under
12 this Act and such sitting may take place in any part of Nigeria and
13 at any place.

14 (5) The decision of the majority of the members of the panel
15 shall be the decision of the Tribunal. If the members are equally divided
16 the decision shall be deemed to be in favour of the public officer.

Headquarters
and Branches
of Bureau
and Tribu-
nal.

17 32.—(1) The headquarters of the Bureau and of the Tribunal
18 shall be in such place as the President of the Senate shall prescribe.

19 (2) The Bureau may establish branch Secretariats in any State
20 Capital for the convenient despatch of the business of the Bureau.

21 (3) The Tribunal may establish branch registries in any State
22 Capital for the convenient despatch of the business of the Tribunal.

Staff of
Bureau.

23 33.—(1) The power to appoint members of staff of the Code of
24 Conduct Bureau and to exercise disciplinary control under section 16 (2)
25 of the Code of Conduct shall be exercised in accordance with the
26 provisions of this Section.

1 (2) Nominations for the appointment of any staff (other than a
2 staff to whom the provisions of subsection (3) hereof applies) shall be
3 made by the Secretary for submission in writing to the Senate.

4 (3) Nominations for the appointment of the Secretary, Deputy
5 Secretary and such number of Assistant Secretaries as the Bureau may
6 consider necessary for the execution of their functions under this Act or
7 recommendations for disciplinary action against any of the staff afore-
8 mentioned shall be made by the Bureau for submission in writing to the
9 Senate, such submission shall be acknowledged in writing by the Clerk
10 of the National Assembly on behalf of the Senate.

11 (4) The receipt of a submission made pursuant to the provisions of
12 subsections (2) or (3) of this section shall be acknowledged in writing by
13 the Clerk of the National Assembly on behalf of the Senate.

14 (5) After the expiration of a period of thirty days from the date of
15 the acknowledgement of the receipt of a submission as aforesaid, the
16 Senate shall be deemed to have adopted and approved such nomination
17 or recommendation unless the Clerk of the National Assembly shall
18 certify to the contrary.

19 34. The Secretary of the Bureau shall be an Executive Secretary
20 and shall be the officer responsible for the accounts disbursements and
21 finances of the Bureau.

Secretary of
Bureau.

22 35.—(1) The power to appoint the staff of the Code of Conduct
23 Tribunal and to exercise disciplinary control over them which is vested
24 in the Tribunal under section 18 (2) of the Code of Conduct shall be
25 exercised in accordance with the provisions of this Section.

Staff of the
Tribunal.

26 (2) Nominations for the appointment of any staff (other than a
27 staff to whom the provisions of subsection (3) hereof applies) or recom-
28 mendations for disciplinary action against any of the staff aforesaid

1 shall be made by the Registrar and submitted in writing to the Tribunal.

2 (3) The Tribunal may appoint a Registrar, Deputy Registrar and
3 such number of Assistant Registrars and other staff as they may consider
4 necessary for the execution of their functions under this Act.

5 (4) After the expiration of a period of thirty days from the date of
6 the submission of any nomination or recommendation to the Tribunal
7 as prescribed by this Section the Tribunal shall be deemed to have
8 adopted and approved such nomination or recommendation unless the
9 Chairman of the Tribunal shall certify to the contrary.

The
Registrar
of the
Tribunal.

10 36. The Registrar shall be the chief executive officer of the Tribunal
11 and shall be responsible for the accounts, disbursements and finances of
12 the Tribunal.

Commis-
sioners for
Oaths.

13 37.—(1) Every officer of the Bureau and every officer of the
14 Tribunal including such other members of the staff of either of those
15 bodies designated from time to time by the Chairman of the Bureau or
16 the Chairman of the Tribunal (as the case may be) and every person
17 appointed as a notary public under any law for the time being in force,
18 shall have power to take affidavits which may be necessary to be taken in
19 respect of any proceedings under this Act.

20 (2) In this Section the word "officer" means and includes the
21 Secretary; the Deputy Secretary or an Assistant Secretary of the Bureau
22 and the Registrar, the Deputy Registrar or an Assistant Registrar of the
23 Tribunal.

Validity of
proceedings.

24 38.—(1) The proceedings of the Bureau or of the Tribunal shall
25 not be invalidated by the reason of any vacancy in the membership of
26 either of the two bodies in any of the offices to which an appointment
27 may be made pursuant to the provisions of this Act.

1 (2) Nothing in the provisions of this Section shall be construed as
2 authorising the Tribunal to adjudicate on the guilt or innocence of a
3 public officer in the absence of one of its three members.

4 VI.—Miscellaneous

5 39.—(1) The persons holding the offices set out in the Second
6 Schedule to this Act shall not maintain or operate any bank account
7 in any country outside Nigeria.

Foreign
Accounts.
Second
Schedule.

8 (2) Where the Bureau has reasonable grounds to suspect that a
9 public officer to which the provisions of this Section apply maintains
10 or operates a bank account in any country outside Nigeria, it may by
11 notice in writing under the hand of its Chairman—

12 (a) require any such person to furnish a sworn statement in writing
13 of all monies or other property belonging to him outside Nigeria or
14 which may have been acquired by him outside Nigeria during such
15 period as may be specified in the notice ; or

16 (b) require any such person to subscribe to a written irrevocable
17 mandate authorising any person designated by the Bureau to inspect
18 and take or obtain copies of accounts or other records relating to
19 monies kept by such person in any bank or financial institution or
20 with any other person outside Nigeria.

21 (3) The provisions of this Section apply to the holders of the
22 public offices mentioned in Section 3 of Part I of the Fifth Schedule
23 to the Constitution and the offices mentioned in the Second Schedule
24 to this Act.

Second
Schedule.

25 (4) Subject to any directions which the Bureau may by Notice
26 published in the Federal Gazette give from time to time, public officers

1 on posting outside Nigeria for a continuous period of more than six
2 months shall be exempt from the provisions of this Section from the
3 date of such posting up till a period not exceeding three months after
4 the end of such posting.

Evidence of
pecuniary
resources or
property.

5 40. In any trial for a contravention of the Code of Conduct the
6 fact that a public officer is in possession, for which he cannot satis-
7 factorily account, of pecuniary resources or property disproportionate
8 to his known sources of income, or that he had, at or about the time of the
9 alleged contravention, obtained an accretion to his pecuniary resources
10 or property for which he cannot satisfactorily account, may be proved
11 and may be taken into consideration by the Tribunal as corroborating
12 the testimony of any witness in such trial or inquiry that such public
13 officer accepted or obtained any gratification and as showing that such
14 gratification was accepted or obtained corruptly as an inducement or
15 reward and shall accordingly be treated as an improper enrichment of
16 the public officer.

Liability for
acts outside
Nigeria.

17 41. The provisions of this Act shall, in relation to citizens of
18 Nigeria, have effect outside as well as within Nigeria, and where a
19 contravention under the Code of Conduct is committed by a citizen
20 of Nigeria in any place outside Nigeria he may be dealt with as if it
21 had been committed within Nigeria.

False
accusation
of corruption,
etc.

22 42. Any person who publishes or reproduces in any form, whether
23 written or otherwise, any statement, rumour or report alleging or
24 intended to be understood as alleging that a public officer has in any
25 manner been engaged in corrupt practices or has in any manner corruptly
26 enriched himself or any other person, being a statement, rumour or

1 report which is false in any material particular, shall be guilty of an offence
2 under this Act and liable on conviction before a Federal High Court
3 to be sentenced to imprisonment for a term not exceeding two years,
4 or a fine not exceeding ten thousand Naira.

5 43.—(1) From and after the date of this Act, a declaration of assets
6 made pursuant to the provisions of section 11 (1) of the Fifth Schedule
7 to the Constitution shall contain full details of the matters specified in
8 the Fourth Schedule to this Act and such further or other information
9 or particulars as the Bureau may require.

Declaration
of assets
by public
officers.

Fourth
Schedule.

10 (2) Where, before this Act comes into force, a public officer has
11 submitted a declaration of assets, the Bureau may appoint any competent
12 person to verify such declaration or cause any fit and proper person to
13 verify it or require a fresh declaration.

14 (3) Where a public officer fails or neglects to submit a declaration of
15 assets as required by the provisions of the Code of Conduct within the
16 time prescribed under that Code, the Bureau shall call upon him to do so
17 within a period not exceeding sixty days from the date of the service of
18 such notice upon him.

19 (4) A public officer who without reasonable cause fails or neglects
20 to submit a declaration of assets within the period of sixty days referred
21 to in subsection (3) of this Section shall be guilty of an offence and shall
22 be liable to imprisonment for two years.

23 (5) Save where he is specifically requested to make a declaration of
24 assets by notice served upon him through his Head of Department or
25 otherwise howsoever, a public officer below the grade or level of the
26 public officers specified in the Fifth Schedule to this Act shall be exempt
27 from compliance with Sections 4 and 11 of the Code of Conduct.

Limitation.

1 44. No proceedings for a contravention of the Code of Conduct
2 shall be commenced against a public officer in respect of an act or
3 omission done or made by him whilst he holds office except within a
4 period not exceeding six years from the date of such act or omission or
5 within a period of three years after he shall have retired permanently
6 from the Public Service whichever is shorter.

Independence of
Bureau and
Tribunal.

7 45. Except in accordance with the express provisions of this Act,
8 neither the Bureau nor the Tribunal shall be subject to the direction
9 or control of any person or authority.

Forms and
precedents.

10 46.—(1) The forms set out in the First Schedule to this Act shall
11 be used with such modifications or additions as are required.

Third
Schedule.

12 (2) The precedents contained in the Third Schedule may, with
13 such variations as the circumstances of the particular case may require,
14 be used in the cases to which they apply and, when so used shall be good
15 and sufficient for the purposes of compliance with the provisions of Section
16 9 (6) (d) of this Act.

Rules.

17 47. The Bureau and the Tribunal shall have power to regulate
18 their own proceedings and each may make rules with respect to procedure
19 and practice in matters or causes coming before them.

20 *VII.—Appellate and Supervisory Jurisdiction of the Federal*

21 *Court of Appeal*

Supervisory
jurisdiction.

22 48. Supervisory jurisdiction over proceedings before the Bureau,
23 the Tribunal or any of the functionaries of the Bureau or the Tribunal
24 shall, subject to the provisions of the Constitution, vest in the Federal
25 High Court to the exclusion of any other court of first instance.

49. At any time during the trial of a public officer for contravention of the Code of Conduct and before the decision has been announced, the Tribunal may, and if so required by both parties shall, state a case on a point of law for the opinion of the Federal Court of Appeal.

5 50.—(1) Any appeal from a decision of the Tribunal as to whether Appeals.
6 or not a person is guilty of a contravention of any of the provisions of
7 the Code shall be exercisable in the same manner and subject to the
8 same terms and conditions as an appeal from a conviction in the High
9 Court sitting at first instance.

10 (2) An appeal shall lie from a decision of the Federal Court of
11 Appeal given under this Section to the Supreme Court.

(3) An appeal under this section shall be prosecuted in accordance with any rules of practice and procedure prescribed by law and until such rules are made the procedure and forms prescribed for prosecuting appeals in criminal cases shall be adapted for the purpose.

16 51.—(1) In relation to any appeal under this Act, the appeal court Powers of
17 shall have all the powers of the Tribunal including but not limited to— the Appeal
Court.

18 (a) power to draw inferences of fact and to give any decision and
19 make any order which ought to have been made and to make such
20 further or other orders as the case may require ; and

21 (b) power to suspend the public officer pending proceedings in the
22 appeal.

(2) The appeal court shall also have the power to receive further evidence on questions of fact either by oral examination in court or by affidavit or by deposition taken before an examiner, but, in the case of an appeal after a valid trial or hearing on the merits no such further evidence (other than evidence as to matters which have occurred

1 after the date of the trial or hearing) shall be admitted except the over-
 2 riding interest of justice so requires.

3 (3) The appeal court may by order, affirm, annul, or vary any
 4 order made by the Tribunal or any portion of such order and may vary a
 5 punishment imposed on the public officer or for the restoration or
 6 forfeiture of any property whether or not the finding of guilty was
 7 not quashed.

Citation.

8 56. This Act may be cited as the Code of Conduct (Procedure) Act.

FIRST SCHEDULE

Forms

FORM 1

Sec. 2

IN THE MATTER OF THE CODE OF CONDUCT (PROCEDURE) ACT

AND

IN THE MATTER OF A COMPLAINT TO THE CODE OF CONDUCT BUREAU

By

A.B. COMPLAINANT

AGAINST

C.D. PUBLIC OFFICER

AFFIDAVIT OF COMPLAINT

I, A. B., (state citizenship, religion, occupation and residential address) do
 make oath and state that—

(1) C. D. is a person holding the office of in
 the Public Service of the Federation/..... State®

(2) By reason of the facts hereafter set out, I know of my own knowledge/I have reasonable grounds to believe* that C.D. has committed a contravention of section.....of the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria, 1979.

(Set out in a concise manner and in numbered paragraphs the facts and grounds which lead to the conclusion or belief that C.D. has committed the contravention.)

A.B.

DEPONENT

SWORN TO at

on the day of

Before Me

COMMISSIONER FOR OATHS

*Strike out or omit whichever is inapplicable.

FORM 2

Sec. 7

IN THE MATTER OF THE CODE OF CONDUCT
(PROCEDURE) ACT

AND

IN THE MATTER OF AN INVESTIGATION INTO THE
CONDUCT OF

(Give the Name of the Public Officer)

AUTHORITY TO CARRY OUT INVESTIGATION

This is to certify that *(Give the name of Authorised Person)* whose signature is shown on this document, is duly authorised by me in accordance with the provisions of the Code of Conduct (Procedure) Act, 1981, to investigate an allegation that *(Give the name of the Public Officer)* has contravened Section.....of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria.

Signature of Authorised Person : *(Authorised Person Signs here)*

DATED this.....day of.....19.....

.....
*Chairman or member of Code of
Conduct Bureau*

FORM 3

Sec. 9 (3)

IN THE MATTER OF THE CODE OF CONDUCT
(PROCEDURE) ACT
AND
IN THE MATTER OF A COMPLAINT TO THE CODE
OF CONDUCT BUREAU

By

A.B. Complainant

AGAINST

C.D. Public Officer

AFFIDAVIT IN REPLY

I, C.D. (*state citizenship, religion, occupation and residential address*)
do make oath and state that—

(1) I admit/deny* that I hold the office of
in the Public Service of

(2) I deny that I have done any act or made any omission capable of
being regarded as a contravention of Section..... of the Code of Conduct
contained in the Fifth Schedule to the Constitution of the Federal Republic
of Nigeria, 1979.

[deal specifically in a concise manner and in numbered paragraphs with
the allegations in the Affidavit of the Complainant answering every allegation
therein and stating *other facts relevant to such allegations*]

C.D.

DEPONENT

SWORN To at
on the day of
Before Me

COMMISSIONER FOR OATHS

*Strike out or omit whichever is inapplicable.

FORM 4

Section II

IN THE CODE OF CONDUCT TRIBUNAL
SITTING AT.....

No.

BETWEEN

THE PEOPLE OF NIGERIA Complainants

AND

C.D. Public Officer

HEARING NOTICE

1. All Parties concerned are hereby notified that the trial of a complaint that C.D. has contravened the provisions of Section..... of the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria will commence on the day of 19..... at the hour of at..... in the town/city of in the State of Nigeria.

2. The trial is expected to commence on the date indicated and, unless the Tribunal otherwise directs, it will proceed thereafter from day to day until it is disposed of.

3. The parties are warned that at the hearing they are required to bring forward all the evidence by witnesses or by documents which each of them desires to rely on in support of his own case and in contradiction of that of his opponent. The proof will be required at the hearing, and not on a subsequent day, and parties failing to bring their evidence forward at the proper time may find themselves absolutely precluded from adducing it at all, or at best only, allowed to do so on payment of substantial costs to the other side, and on such other terms as the Tribunal thinks fit to impose.

4. Parties desirous to enforce the attendance of witnesses should apply at once to the Tribunal to issue one or more summonses for the attendance of the witnesses required. It is indispensable that the application should be made so as to allow time for reasonable notice to the witnesses required.

5. If the witness is required to bring books or papers, they must be particularized in the summons sufficiently to enable him to understand what is meant.

6. Any party summoning a witness through the Tribunal, thereby becomes liable to pay such witness a reasonable sum of money to be fixed by the court for his expense and loss of time.

7. The Tribunal may refuse to enforce the attendance of a witness unless such sum has first been deposited in the court.

8. If either party desires to use in evidence at the hearing any book or document in the possession or power of the other party, he must give the other party reasonable notice in writing to produce it at the hearing, failing which he will not be allowed to give any secondary evidence of its contents.

DATED at..... this..... day of..... 19.....

By order of the Tribunal

.....
(Registrar)

FORM 5

Sec. 23

IN THE CODE OF CONDUCT TRIBUNAL

SITTING AT.....

No.

BETWEEN

THE PEOPLE OF NIGERIA

COMPLAINANTS

AND

C.D.

PUBLIC OFFICER

HEARING NOTICE

To : (Name of witness to be summoned) of (Address of Witness to be summoned)

You are hereby commanded in the name of the National Assembly as representatives of the People of Nigeria to attend in person before this Tribunal at.....on.....the.....day of.....

.....19....., at.....o'clock in the forenoon, and so from day to day till the above trial be concluded, to testify to all that you know at the said trial.

You are further commanded to bring with you all the books, documents or other things listed in the reverse side hereof.

ISSUED this.....day of.....19.....

.....
Chairman/Member*
Code of Conduct Bureau

* Strike out whichever is inapplicable.

FORM 6

Sec. 23 and
Sec. 25 (4)

IN THE CODE OF CONDUCT TRIBUNAL

SITTING AT.....

No.

BETWEEN

THE PEOPLE OF NIGERIA

COMPLAINANTS

AND

C.D.

PUBLIC OFFICER

WARRANT FOR ARREST OF WITNESS/CONTEMNOR*

To : The Nigeria Police (Address of Police Command nearest to the place of sitting of the Tribunal).

WHEREAS a Subpoena/Summons* issued by this Tribunal under Section 4.13 of the Code of Conduct (Procedure) Act, 1981, and dated the.....day of.....19.....has been duly served upon (*Give the name of person summoned*) of (*Give the address of the person summoned*).

AND WHEREAS the said (*Give the name of person summoned*) failed, refused, or neglected to obey the subpoena/summons* without proper excuse.

You are therefore hereby commanded forthwith in the name of the President of the Federal Republic of Nigeria to apprehend forthwith the said (*Give the name of the person summoned*) and to bring him before me or one of the other members of the Tribunal at (*Give the place where person arrested is to be brought*).

GIVEN under my hand this.....day of.....19.....

.....
*Chairman/Member**
Code of Conduct Bureau

* Strike out whichever is inapplicable.

FORM 7

Sec. 25 (3)

SUMMONS TO PERSON CHARGED WITH CONTEMPT

Code of Conduct (Procedure) Act, 1981

To : (*Give Name of Person summoned*) of (*Give address of person summoned*)

You are hereby summoned in the name of the National Assembly as representatives of the People of Nigeria to appear before the Code of Conduct Tribunal sitting at.....in the.....State of Nigeria on.....the.....day of.....19.....at.....o'clock in the forenoon to show cause why you should not be judged to have committed an act of contempt and be dealt with accordingly, in that you on the.....day of.....19.....committed an act of contempt against members/one of the members* of the said Tribunal by (*State concisely the act of contempt complained of*).

GIVEN under my hand this.....day of.....19.....

.....
*Chairman/Member**
Code of Conduct Bureau

* Strike out whichever is inapplicable.

SECOND SCHEDULE

*Persons Prohibited from Maintaining or
Operating Bank Accounts Abroad**A. The Executive*

1. The President of the Federal Republic of Nigeria.
2. The Vice-President of the Federal Republic of Nigeria.
3. All Governors and Deputy Governors of each State.
4. The Chairman and Members of the Federal Civil Service Commission.
5. The Secretary of the Federal Civil Service Commission.
6. The Chairman and Members of the State Civil Service Commission.
7. The Chairman and Members of all Commissions established in the Constitution.
8. The Chief Executives of the Commissions established in the Constitution.
9. The Governor of the Central Bank of Nigeria.
10. The Directors and Executive Directors of the Central Bank of Nigeria.
11. The Directors of the Security of Minting and Printing Company.
12. The Secretary to the Government of the Federation.
13. The Head of Civil Service of the Federation.
14. The Secretary to the State Governments.
15. All Federal Permanent Secretaries.
16. The Presidential Liaison Officers.
17. The Advisers to the President.
18. All Advisers to the State Governors.
19. The Auditor-General of the Federation.
20. The Accountant-General of the Federation.
21. Persons holding the offices or performing the functions mentioned under items 4 and 5 of Part A of the FIFTH SCHEDULE to this Act.
22. The Chief Executives of all State-owned Corporations whether established for the Federation or for any State.
23. The Chief Executives of all Companies in which the Federal or State or Local Governments have controlling shares.
24. The Chairman of all Local Governments and all full-time duty Councillors or Port-folio Councillors.
25. The Chief Executives of Local Governments on the same salary levels as a State Permanent Secretary.
26. The Chief of Defence Staff.
27. The Deputy Chief of Defence Staff.
28. The Chief of Army Staff.
29. The Chief of Naval Staff.
30. The Chief of Air Force Staff.

31. The Inspector-General of Police.
32. The Deputy Inspector-General of Police.
33. All the State Commissioners and Headquarters Commissioners of Police.
34. The Chief Executives of all State-owned Corporations and Parastatals: Federal and States-owned.
35. The Chief Executives of all Companies in which the Federal or State Governments have controlling shares.
36. The Chairman of all Local Governments.
37. The full-time duty Councillors of all Local Governments.
38. The Chief Executives of all Local Governments.

B. Legislature

1. The President and Deputy President of the Senate.
2. Speakers and Deputy Speakers of the House of Representatives and Houses of Assembly of States.
3. The Clerk to the National Assembly.
4. The Clerk and the Deputy Clerk to the Senate and the Clerk to the House of Representatives.
5. The Clerks and Deputy Clerks to the State Houses of Assembly.
6. The Chairman and Members of the Code of Conduct Bureau.
7. The Executive Secretary of the Code of Conduct Bureau.
8. The Registrar to the Code of Conduct Tribunal.
9. The Members of the Tribunal.

C. The Judiciary

1. The Chief Justice of the Federation.
2. The Judges of the Supreme Court.
3. The Judges of the Federal Court of Appeal.
4. The Judges of the Federal High Court.
5. The Chief Registrar of Supreme Court.
6. The Chief Judges of the States.
- * 7. The Judges of the States High Court.
8. The Grand Kadi and Kadis of all Sharia Courts of Appeal.
9. The President and members of all Customary Courts of Appeal.

THIRD SCHEDULE

PRECEDENTS

1

Statement of Contravention

Conflict of interest with duty contrary to section 1 of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. on or around the day of 19..... being the Commissioner for Lands in X State of Nigeria put himself in a position where his personal interest conflicts with his duties and responsibilities by granting State land to himself.

2

Statement of Contravention

Receiving double remuneration contrary to section 2 (a) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. on the day of 19..... being a person in the Public Service of the Federation receiving the emoluments of that office also received on the day of 19..... in addition the sum of Naira as emoluments for serving as a Director of the XYZ Limited which is a Company in which the Government of the Federation has controlling shares.

3

Statement of Convention

Participating in the management of a private business contrary to Section 2 (b) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Convention

A.B. being a person in the Public Service of X State of Nigeria participated in the management of G.H. & Co. a firm of consulting engineers, by attending and taking part in meetings of the Partners of the said firm between the day of 19..... and the day of 19.....

4

Statement of Contravention

Maintaining a foreign bank account contrary to section 3 of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. being a Minister of the Government of the Federation maintains a bank account in the XYZ Bank at No. 19 Contravention Street in Ruritania.

5

Statement of Contravention

Receiving emoluments from more than one remunerative position contrary to section 4 of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. being a person who has retired from the public service of the Federation of Nigeria and who is receiving pension from the Federal Government received remuneration as Chairman of XYZ Ltd., a company controlled by the Federal Government, in addition to his remuneration as director of MNG Ltd., a company owned by the Government of Q State of Nigeria.

6

Statement of Contravention

Serving in a foreign company contrary to section 5 (1) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. being a former Deputy Governor of Q State of Nigeria, did between the..... day of..... 19..... and the..... day of..... 19..... serve as the managing director of XYZ Ltd., a foreign company.

7

Statement of Contravention

Accepting property for himself in the discharge of official duties contrary to section 6 (1) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. on the..... day of..... 19..... being a person employed in the public service of the Federation, and being charged with the duty of assessing customs duty on imported goods, accepted a gift of ₦1,000.00 for himself from C.D. on account of something to be done by him in the discharge of his duties, to wit, to pass C.D.'s goods through customs without charging any duties thereon.

8

Statement of Contravention

Receiving gifts from a person who has contract with the government contrary to section 6 (1) and 6 (2) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. on the..... day of..... 19..... being a person employed in the public service of the Q State of Nigeria and being charged with the duty of supervising the execution of the contract for the erection of a housing estate at PSR District in Q State, received a gift of a motor car from XYZ Ltd. the firm of building contractors who were executing the said contracts.

9

Statement of Contravention

Accepting a loan from unauthorised lender contrary to section 7 of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. being a Minister of the Government of the Federation did on the..... day of 19..... accept a loan of ₦50,000 from Mr C.D.

10

Statement of Contravention

Abuse of powers contrary to section 9 of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. being a person employed in the public service of the Q State of Nigeria did on the..... day of 19..... arbitrarily refused to give forms for application for allocation of industrial site to C.D. the managing director of XYZ Ltd. knowing that such refusal is contrary to the policy of the Government of Q State.

11

Statement of Contravention

Taking part in a society incompatible with the functions of a public officer contrary to section 10 of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. being a person employed as a judicial officer (to wit, a magistrate) in the public service of the Q State of Nigeria did on the..... day of 19..... take part in a meeting of the XYZ association which is a registered political party.

12

Statement of Contravention

Making a false statement in respect of declaration of assets contrary to section 11 (2) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria.

Particulars of Contravention

A.B. on the.....day of.....19.....begin a person employed in the public service of the Federation made a statement in a declaration of assets submitted by him pursuant to section 11 (1) of Part I of the Fifth Schedule, to the Constitution of the Federal Republic of Nigeria which was found to be false by a person authorised to verify the aforesaid declaration.

FOURTH SCHEDULE

Section 45 (1)

Matters to be specified in a Declaration of Assets by a Public Officer

1. Full Names.
2. Residential Address.
3. Office held on date of declaration. If you merely acted in an office and have not been promoted substantively to that office give the time during which you have so acted.
4. Name(s) and addresses in full of wife/wives/husband.
5. Name(s) and addresses in full of children.
6. Amounts held on own account—
 - (a) in Nigeria
 - (b) in any country outside Nigeria.
7. Loans or advances made.
8. Loans or advances received.
9. Amount held on behalf of or as trustee of wife/husband.
10. Wife's/husband's/children's account held (beneficial or otherwise).
11. Government securities (including premium bonds and savings certificates) and shares, debentures, bonds and other interests held in companies, firms or partnerships (giving names of such companies, firms and partnerships and showing whether or not the assets or interests are held by you, your wife or your children.
12. Property in any part of Nigeria in which you are or have been interested in any way since the 1st of October, 1979 or since you assumed, or commenced acting in, the office which makes you liable to submit this declaration (whichever is later). Give dates of acquisition or disposition of every land, buildings or other property concerned.
13. Property outside Nigeria in which you are or have been interested in any way since the 1st of October, 1979 or since you assumed, or commenced acting in, the office which makes you liable to submit this declaration (whichever is later). Give dates of acquisition or disposition of every land, buildings or other property concerned.
14. Property in any part of Nigeria in which any wife/husband is or has been interested in any way since the 1st of October, 1979 or since you assumed, or commenced in, the office which makes you liable to submit this declaration (whichever is later). Give dates of acquisition or disposition of every land, buildings or other property concerned.

15. Property outside Nigeria in which any wife/husband is or has been interested in any way since the 1st of October, 1979 or since you assumed, or commenced in, the office which makes you liable to submit this declaration (whichever is later). Give dates of acquisition or disposition of every land, buildings or other property concerned.
16. Property in any part of Nigeria in which any of your children is or has been interested in any way since the 1st of October, 1979 or since you assumed, or commenced in, the office which makes you liable to submit this declaration (whichever is later). Give dates of acquisition or disposition of every land, buildings or other property concerned.
17. Property outside Nigeria in which any of your children is or has been interested in any way since the 1st of October, 1979 or since you assumed, or commenced in, the office which makes you liable to submit this declaration (whichever is later). Give dates of acquisition or disposition of every land, buildings or other property concerned.
18. Names of all your dependent relatives other than your wife/wives/husband and children.
19. Give particulars of any estate in which you are connected or interested as a trustee or beneficiary and the nature and extent of your connection or interest. The name(s) and address(es) of the deceased person or trustee(s) (as the case may be) should be given.
20. Property held on your behalf by any nominee, agent or trustee.

DATED this day of 19.....

.....
Signature of Public Officer

FIFTH SCHEDULE

Sec. 43 (5)

*Grades below which Public Officers are not
required to make Declaration of Assets
unless specifically requested to do so*

A. EXECUTIVE

1. In the case of Ministry or Department of the Federal Government or of a State Government Permanent Secretary of any Ministry.
2. In the case of an authority or body not subject to the control or direction of the President a Governor a Minister of the Federation or a State Commissioner, the chief executive officer of such authority or body.
3. In the case of a corporation established for the Federation or a State or a company in which the Federal Government or a State or Local Government has controlling shares the chief executive officer of such corporation or company.
4. The chairman and all other staff of the Federal Board of Inland Revenue engaged in the assessment or collection of taxes on the profits and incomes of companies whether in an advisory or executive capacity.
5. The chairman and all other staff of the Federal Board of Customs and Excise engaged in the assessment or collection of customs or excise duties whether in an advisory or executive capacities.

B. THE LEGISLATURE

The Executive Secretary to the Code of Conduct Bureau or the Registrar of the Code of Conduct Tribunal (whichever is the lower in terms of salary level).

C. THE JUDICIARY

1. In the case of officers exercising or performing judicial functions, a Judge of the Federal High Court (in respect of the Federation) or a Judge of the State High Court (in respect of a State).
2. In the case of officers not exercising or performing judicial functions, the Chief Registrar of the Federal High Court (in respect of the Federation) or the Chief Registrar of the State High Court (in respect of the State).

EXPLANATORY MEMORANDUM

1. The purpose of this Bill is to make provisions for the procedure relating to the enforcement and maintenance of the Code of Conduct for Public Officers contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria 1979.
2. The broad arrangement underlying this Bill is based on what are clearly apparent from the terms of the Fifth Schedule to the Constitution. The Code of Conduct Bureau will be responsible for receiving complaints from all quarters regarding contraventions of the Code of Conduct. It will thereafter investigate these complaints and if it finds that any complaint is sufficiently substantial to warrant a trial of the public officer, the case will be referred to the Code of Conduct Tribunal. In addition the Code of Conduct Bureau also has the responsibility of administering the law relating to declaration of assets and ensuring compliance with them. This Bill also gives the Bureau powers to initiate investigations of breach of Code of Conduct against a public officer if satisfied from any source (e.g. after examining the declaration of assets by the public officer) that there are reasonable grounds for such investigation.
3. The Code of Conduct Tribunal is responsible for the trial of cases of contravention and this Bill is designed to give it all the usual powers of a judicial tribunal. It is assumed that the members of the tribunal may not be qualified lawyers and this Bill enables points of law which may arise in the course of proceedings to be referred to the Federal Court of Appeal for determination. All tribunals are normally subject to the supervisory jurisdiction of State High Courts which may quash their decisions by orders of *certiorari* or stop them from hearing a case by orders of prohibition. This Bill provides that such jurisdiction can *only* be exercised by a Federal High Court and not by the High Court of any State.
4. Special attention is drawn to precedents contained in the Third Schedule which are illustrations of the way in which contraventions of the Code of Conduct are expected to be stated in complaints against a public officer. This will reduce to a minimum the unnecessary arguments about whether or not a complaint contains adequate particulars. As the method of trying a public officer for misconduct introduced by this Bill is novel, it is conceived that the illustrations will be of assistance to counsel instructed to present the case against a public officer before the Tribunal.
5. This bill finally provides the procedure and powers of the Federal Court of Appeal in regard to appeals from the Code of Conduct Tribunal.

A BILL

FOR

AN ACT TO AMEND THE INCOME TAX MANAGEMENT ACT 1961 AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by Senator E. P. ECHERUO
Okigwe Senatorial District, Imo State*

[]

Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows :—

3 1. Section 20A of the principal Act is hereby amended in sub-
4 section (3) by *inserting* immediately after paragraph (d) thereof, the
5 following new paragraph—

Amendment
of Section
20A of
principal Act.

6 “(e) a deduction of the amount of any donation and contribution
7 made during the year preceding the year of assessment, by that
8 individual towards such educational, philanthropic, religious, charitable,
9 research or community development project as may be approved by
10 the Commissioner for the time being responsible for social welfare
11 matters in the territory in which that project is undertaken ;

12 Provided that—

13 (i) the aggregate amount of deductions allowed under this
14 paragraph shall not exceed ten thousand naira for any year of
15 assessment ; and

16 (ii) no deduction shall be allowed under this paragraph unless
17 proper returns of all payments received with respect to that project

1 are submitted to the said Commissioner as soon as may be after
 2 the end of each year and the amount of such donation or contribution
 3 is evidenced in those returns.

Amendment
 of Third
 Schedule to
 principal
 Act.

4 2.—(1) The Third Schedule to the principal Act is hereby amended
 5 by *repealing* paragraph (a) thereof and *substituting* therefor the following
 6 new paragraph—

7 “(a) The income of any individual who is engaged in agriculture
 8 and derives not less than half of his income from agriculture :

9 Provided that the aggregate amount of the income of that indivi-
 10 dual to be exempted from tax under this paragraph shall not exceed
 11 five thousand naira.

12 (2) For purposes of this paragraph, “agriculture” includes fishery
 13 and animal husbandry.

Interpreta-
 tion.

14 3. In this Act—
 15 “principal Act” means Income Tax Management Act 1961.

Short Title.

16 4. This Act may be cited as the Income Tax Management (Amend-
 17 ment) Act 1981.

EXPLANATORY MEMORANDUM

This Bill seeks to offer tax concessions as an inducement to individuals who make donations and contributions towards approved charitable benevolent and community development purposes or who actively engage in and promote the increased production of food for the nation.