A LAW TO ESTABLISH THE LAGOS STATE PUBLIC COMPLAINTS AND ANTI-CORRUPTION COMMISSION AND FOR CONNECTED PURPOSES

Printed by the Lagos State Printing Corporation, Obafemi Awolowo Way, Ikeja
LSPC 113/42021/30

A LAW TO ESTABLISH THE LAGOS STATE PUBLIC COMPLAINTS AND ANTI-CORRUPTION COMMISSION AND FOR CONNECTED PURPOSES

The Lagos State House of Assembly enacts as follows:

Interpretation

1. In this Law, unless the context otherwise requires -

"Chairman" means the Chairman of the Commission;

"Governor" means the Governor of Lagos State;

"State" means Lagos State of Nigeria;

"House" means Lagos State House of Assembly;

"Court" means the High Court of Lagos State;

"Local Government Area" includes Local Council Development Area;

"Person" means a natural person, juristic personality or a body corporate or incorporated;

"Corruption" includes bribery, fraud, undue influence and other related offences.

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

"Superior Officer" means an officer not below the rank of Deputy Director in the Commission;

"Gratification" includes money, fees, donation, reward, valuable security, property or interest in property being property of any description whether movable or immovable or any advantage given or promised to any person in the performance of his duties;

"Public Officer" means a person employed or engaged in any capacity in the public service of the State or Local Government Area.

Establishment of the Lagos State Public Complaints and Anti-Corruption Commission.

2. (1) There is established the Lagos State Public Complaints and Anti-Corruption Commission (referred to in this Law as the Commission)

(2) The Commission shall –

(a) be a body corporate with perpetual succession and a common seal;
(b) have power to sue and be sued in its corporate name;
(c) be capable of purchasing, acquiring, holding and disposing of property movable or immovable for the purpose of carrying out its functions under this Law.

Composition and Appointment of Members of the Commission

3. (1) The Commission shall consist of the following -

(a) a Chairman who shall be the Chief Executive and Accounting officer of the Commission and;

(i) shall be a person who has held or is qualified to hold the office of a judge of a superior court of record in Nigeria with at least ten (10) years cognate experience; or

(ii) a serving or former member of any Government Law Enforcement or Anti-corruption Agency not below the rank of Commissioner of Police or Director as the case may be.

(b) (i) Chairman, Lagos State Inland Revenue Service;

(ii) The Accountant-General of the State; and

(iii) The Auditor-General of the State.

or their representatives not below the rank of a Director on Grade Level 17 –

(c) three (3) other members who shall be people of proven integrity with educational background in any of the following fields-

(i) Finance;

(ii) Administration;

(iii) Law; and

(iv) Information and Computer Technology.

(2) The members of the Commission other than the Chairman shall be appointed on a part-time basis.

(3) Chairman and other members except the ex-officio members shall be appointed by the Governor subject to the confirmation of the House.

Tenure of Office.

4. (1) The Chairman and members of the Commission except the ex-officio members of the Commission shall hold office for a period of five (5) years and may be re-appointed for another term of five (5) years only.

Remuneration and other benefits of Members.

5. There shall be paid to the Chairman and all other members of the Commission such remuneration and allowances, as the Governor may determine.

Proceedings.

6. Subject to the provisions of this Law, the Commission may make standing orders to regulate its proceedings or its committees.

Quorum.

7. The quorum for every meeting of the Commission shall be five (5) members of the Commission.

Filling of Vacancy.

8. Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor in accordance with the provisions of this Law, to hold the office for the remainder of the term of the predecessor.

Voting.

9. Questions for determination at a meeting of the Commission shall be decided by a majority of votes of members present and in the event of equality of votes, the Chairman shall have a casting and deliberative vote.

Validity of Proceedings

10. The validity of any proceeding of the Commission shall not be affected by any vacancy in the membership of the Commission or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceeding.

Cessation of Office of Members of the Commission.

11. (1) The Chairman and a member of the Commission shall cease to hold office if the Chairman or member –

(a) resigns in writing to the Governor;

(b) is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacity;

(c) has been convicted by a court of Law for offences involving dishonesty;

(d) is an undischarged bankrupt or is in obvious financial distress; and

(e) is guilty of gross misconduct in relation to the duties of the office.

(2) Notwithstanding the provisions of subsection (1) of this Section, the Governor may remove the Chairman or any member of the Commission in the interest of the public.

Meetings

12. (1) The Commission shall meet at least once in a month at its Head Office and at such time as may be directed by the Chairman.

(2) The Chairman shall preside at all meetings of the Commission but when absent any other member of the Commission may be elected by the members present to preside.

(3) Where the Commission requires that an emergency meeting be convened, the Chairman of the Commission shall convene such emergency meeting of the Commission.

Powers and duties of the Commission.

13. (1) The Commission shall have the power to investigate either on its own initiative or following complaints lodged before it by any other person on any administrative action taken by –

(a) any Ministry, Department, Agency, Parastatal or any Local Government in the State;

(b) any statutory corporation or public institution set up by the State Government, any company incorporated under or pursuant to the Companies and Allied Matters Act owned by the State Government; or

(c) any officer or staff of any of the institutions mentioned in paragraphs (a) and (b) above.

(2) The Commission shall investigate any offence under the Criminal Law of the State in relation to:

(i) corruption and financial crimes;

(ii) abuse of office;

(iii) offences relating to administration of justice;

(iv) obtaining property by false pretences;

(v) receiving stolen properties or properties fraudulently obtained and similar offences;

(vi) fraudulent dealing with property by debtors;

(3) The Commission shall upon the commencement of this Law take over the investigation of all Anti-Corruption and Financial Crimes cases involving the finances and assets of Lagos State Government being investigated by any other Agency.

(4) Cause an investigation to be conducted into the properties of any public servant(s) within the jurisdiction of the State, if it appears to the Commission that the person's lifestyle and extent of the properties are not justified by the person's legitimate source of income.

(5) The Commission shall have power to the exclusion of any other Agency or body to investigate and coordinate the investigation of corruption and financial crime cases involving the finances and assets of the State Government.

(6) For the purpose of this Law -

(a) the Commission may determine the manner by which complaints are to be lodged; and

(b) the Commission shall have access to all information necessary for the efficient and effective performance of its functions under the provisions of this Law

(7) The Commission shall ensure that administrative action taken against any person mentioned under this Law will not result in the commission of any act of injustice against any indigene of the State or any other person resident in the State and for that purpose it shall investigate with special care any administrative act, which is or appears to be -

(a) contrary to any law or regulation;

(b) a mistake in law or arbitrary ascertainment of fact;

(c) unreasonable, unfair, oppressive or inconsistent with the general institution of administrative organs;

(d) improperly motivated or based on irrelevant consideration;

(e) unclear or inadequately explained.

(8) It shall be the duty of any person required by the Commission to furnish information to comply with such requirement not later than seven (7) days from receipt of such request.

Functions of the Commission.

14. (1) Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as altered) and any other Law the Commission shall have power to –

(a) receive and investigate any allegation of corrupt practices against any public servant and refer the matter to the Attorney-General of the State for necessary action;

(b) investigate and refer to the Attorney-General any allegation of improper or non-performance of any Government contract for necessary action;

(c) make general policies for the appointments, promotions, and discipline of its staff;
(d) make rules for the general administration of the Commission;
(e) organise educational and sensitisation programmes;
(f) establish offices in the three (3) senatorial districts of the State;
(g) appoint such additional officers and staff as the Commission may determine for the discharge of its functions; and
(h) do all such other things as are necessary or expedient for the performance of its functions under this Law.

(2) The Commission shall be responsible for the -
(a) enforcement and due administration of the provision of this law;
(b) investigation of all financial crimes and anti-corruption cases in the State with regards to the State Government;
(c) coordination and enforcement of all anti-corruption and financial crime law and enforcement functions conferred on any other person or authority with regards to the finances and assets of the State Government;
(d) adoption and enforcement of measures to ensure transparency in the management of resources of the State Government;
(e) adoption of measures to trace and identify proceeds derived from acts of corruption and financial crime related offences or properties, the value of which corresponds to such proceeds;
(f) freeze, confiscate or seize proceeds derived from acts of corruption and financial crime related offences or properties, the value of which corresponds to such proceeds provided that the Commission shall obtain a court order;
(g) facilitation of exchange of information, both scientific and technical and the conduct of joint operations geared towards eradication of corrupt practices; and
(h) carrying out and sustaining public enlightenment campaign against acts of corruption and financial malpractices in State.

(3) The Commission shall also –
(a) monitor and initiate investigation into all cases of alleged corrupt practices in the State;
(b) direct any law enforcement agency established by the State to question, investigate, or interrogate any person whose conduct or affairs are under investigation or who is likely to impose or interfere with the conduct of the Commission's functions under this law.

(4) Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as altered) and the power of the Attorney General of the State the Commission may –

(i) compound any offence punishable under this law by accepting such sums of money as it thinks fit, not exceeding the amount of maximum fine to which that person would have been liable if he had been convicted of that offence.

(ii) receive all moneys payable into the revenue account of the State Government or the victim as the case may be.

Power of the Attorney General to give direction to the Commission

15. (1) Without prejudice to the generality of the provisions of this Law, the Attorney General may give to the Commission directives of a general nature or specific directives relating generally to a particular matter or case.

(2) It shall be the duty of the Commission to comply with any policy directives or any directions given by the Attorney General pursuant to this section.

Quarterly Report

16. The Commission shall on a quarterly basis give a report of its activities to the House.

Limitations on the Functions of the Commission.

17. (1) The Commission shall not investigate any matter pending before any Court of Law.

(2) In any case where an officer of the Commission decides not to investigate a complaint, the officer shall state the reason(s) in writing within seven (7) days.

Committees

18. The Commission may appoint one or more committees either standing or ad hoc to carryout on its behalf any of its function(s) as the Commission may determine.

Power to Co-opt.

19. Where the Commission desires to obtain the advice of any person on any matter, the Commission may co-opt such person to be a member of the meeting(s) as may be required, and the person(s) so co-opted shall have all the rights and privileges of a member of the Commission but shall not be entitled to vote on any question or count towards a quorum.

Confidentiality

20. The members and staff of the Commission shall maintain secrecy in respect of matters before them by reason of source or contact, however a member may, in any report made disclose such matters as it ought to be disclosed in order to establish grounds for conclusion and recommendations.

Appointment and Duties of Secretary/Legal Adviser.

21. (1) There shall be a Secretary/Legal adviser who shall be a qualified legal Practitioner with not less than ten (10) years post call experience to be appointed by the Governor.

(2) The Secretary/Legal adviser shall be –

(a) the convener of meetings whenever directed by the Chairman or demanded by at least three (3) members of the Commission; and
(b) subject to the general direction of the Chairman be responsible for the day to day administration of the Commission, the keeping of books, and proper records of proceedings of the Commission.

Staff of the Commission.

22. (1) The Commission shall have the power to appoint staff for the performance of its duties.

(2) The Commission may request for additional staff on secondment from the State's Civil Service Commission or any other Service Commission in the State.

(3) The salary and allowances of staff appointed by the Commission shall be as approved by the Governor.

(4) Nothing in this section shall prevent the appointment of a person to an office in the Commission on terms and conditions which preclude the grant of pension in respect of service in that office.

(5) The Commission may, in accordance with the Regulations Approval Law, make regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, the regulations may provide for --

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Commission; and

(b) appeals by such employees against dismissal or other disciplinary measures, and until the regulations are made, any instrument relating to the conditions of service in the Civil Service of the State shall be applicable, with such modifications as may be necessary to the employees of the Commission.

(6) Regulations made under subsection (1) of this section shall not have effect until approved and in accordance with the Regulations Approval Law 2015. The Commission shall cause the approved Regulation to be brought to the notice of all affected persons in such manner as it may determine.

Establishment of Departments.

23. (1) There shall be established in the Commission the following departments which shall be headed by Directors -

(a) Department of Public Complaints;
(b) Department of Citizen's Right;
(c) Department of Anti-Corruption;
(d) Assets Monitoring and Recovery; and
(e) Economic Governance.

(2) Subject to the provisions of this Law, the Commission may establish other departments at it deems fit and make such standing orders to regulate the proceedings of such departments.

Power to Accept Gifts.

24. (1) The Commission may accept moneys, gifts, donations, grants, endowments and testamentary dispositions or other property in aid of the objectives of the Commission, on such conditions if any, as may be specified by the donor.

(2) Notwithstanding, the provisions of subsection (1) above, the Commission shall not accept any gifts if the conditions attached to such gifts are inconsistent with the objectives, functions and polices of the Commission.

Funds of the Commission.

25. (1) The funds of the Commission shall consist of moneys budgeted to it by the State Government in the Appropriation Law.

(2) There shall be paid and credited to the funds of the Commission in addition to subsection (1) of this section, all other sums accruing to the Commission by way of donations with testamentary dispositions, endowments and contributions from philanthropists and other organisations;

Application of the Funds of the Commission.

26. The Commission may apply its funds -

(a) to defray administrative expenses;

(b) for re-imbursement of officers of the Commission or any Committee set up or consultants appointed by the Commission for such expenses as may be authorised or approved by the Chairman in accordance with the approval limit in that regard;

(c) for payment of salaries, fees or other remuneration or allowances to the Chairman, members and staff of the Commission;

(d) for the maintenance of any property acquired or vested in the Commission; and

(e) for matters connected with or incidental to all or any of its functions under the provisions of this Law.

Recommendations and Investigation

27. (1) Upon completion of investigation, where an indictment is established, the Commission shall on its own, initiate the process of prosecution or refer the report to the Office of the Attorney-General of the State with the necessary and appropriate recommendation(s) to guide the Attorney-General in taking further steps in the matter.

(2) The Commission may recommend to the appropriate authority or relevant administrative agency after due investigation of any decision that –

(a) a further consideration of the matter be made;

(b) a modification or cancellation of the offending administrative order or other act be effected;

(c) an alteration of a regulation or rule be effected; or

(d) full reasons behind a particular administrative or other act be given.

(3) Where appropriate, the Commission may refer cases where it feels that existing Laws or administrative regulations or procedure are inadequate, to the House of Assembly or the Governor for appropriate action in line with its recommendation(s).

(4) In every case where the Commission discovered or established, that a crime has been committed by any person, it shall refer the matter to the Attorney-General for prosecution.

(5) Where the Commission is of the opinion that the conduct of any person is such that disciplinary action be taken against such person, it shall make a report in that regard to the appropriate authority which shall take such further action as may be necessary in the circumstances.

Gratification by an Officer.

28. (1) Any person who corruptly asks for, receives or obtains 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 in the discharge of 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 in which the person 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 the officer in the discharge of official duties or in relation to any such matter; commits an offence and is liable on conviction to three (3) years custodial sentence.

(2) Where in any proceedings of an offence under this section, it is proven that any property or benefit of any kind or any promise was received by a public officer, or by some other persons at the instance of a public officer from a person-

(a) holding or seeking to obtain a contract, licence, permit, employment or anything from a Government department, public body, organisation or institution;

(b) concerned or likely to be concerned in any proceedings 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; or

(c) acting on behalf of or related to such a person, the property, benefit or promise;

shall, unless the contrary is proven, be presumed to have been received corruptly on account of such a past or future act or omission, benefit or detriment as is mentioned in subsection (1) (a) (i) and (ii) of this section.

Corrupt Offers to Public Officers

29. (1) Any person who corruptly -

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

(b) promises to offer or offers, confers, procures, or attempts to procure any property or benefit of any kind, to a public officer or for any other person, on account of any such act, omission, benefit or detriment to be done or shown to the public officer;

commits an offence and is liable on conviction to a term of two (2) years custodial sentence and shall forfeit to the State Government any such benefit, money or property upon conviction.

(2) Where in any proceedings for an offence under this section it is proven that any property or benefit or any promise was given to a public officer or some other persons at the instance of a public officer by a person –

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

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

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

Corrupt Demand by a Person(s).

30. Any person who asks for, receives or obtains property or benefit of any kind for himself or any other person; or agrees or attempt 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, any favour or disfavour already shown to any person, by a public officer in the discharge of official duties or in relation to any matter pertaining to or connected with the functions, affairs or business of a Ministry, Department or Agency (MDAs) public body or other organisation or institution the public officer is serving; or

(ii) anything to be afterwards done or omitted to be done, or any benefit or detriment 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 mentioned above, commits an offence and is liable on conviction to imprisonment for a period not exceeding four (4) years.

Obstruction of Investigation

31. Any person who obstructs the Commission in its investigation on any allegation of corruption under this Law; destroys, alters, mutilates, or falsifies any book, document, valuable security, account, computer system, diskette, CD Rom, disk, computer printout or any electronic device, which belongs to such person is in the possession of the person's employer or employee or has been received by that person, or any entry in any such book, document, account or electronic device, or is privy to any such act, commits an offence and is liable on conviction to a term of imprisonment for not less than two (2) years.

Making False Statement or Return.

32. Any person who being an officer charged with the receipt, custody, use or management of any part of the State/Local Government's revenue or property, knowingly uses any part of the revenue or mismanages or furnishes any false statement or return in respect of any money received by him or entrusted to his care, or any balance of money in his possession or under his control, commits an offence and is liable on conviction to imprisonment for a period not less than two (2) years.

Gratification through Agents.

33. Any person who corruptly –

(a) accepts, obtains or agrees to accept, or obtains or attempts to obtain from any person for himself or for another person any gift or consideration as an inducement or reward for doing or not doing or for having done, or having not done any act or thing; or

(b) gives, agrees to give, offers any gift or consideration to any agent as an inducement or reward for doing or not doing or for having done, or having not done 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 commits an offence and is liable on conviction to one (1) year imprisonment.

Bribery for Giving Assistance, etc. in Regards to Contracts

34. Any person who offers an advantage to a public officer as an inducement to or reward for or otherwise on account of such public officer's giving assistance or using influence in or having given assistance or used influence in the promotion, execution or procurement of –

(a) any contract with a public body for the performance of any work, the provision of any service, the doing of anything, the supplying of any article, material substance or, any sub-contract work, provide any article, material or substance required to be performed, 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 commits an offence and is liable on conviction to a term of one (1) year custodial sentence and a refund of the current market price of the property and or a fine of not less than One Million (N1,000,000.00) Naira.

Prosecution of Offences under this Law.

35. Prosecution for an offence under this Law shall be initiated by the Attorney-General of the State or any person or authority to whom he delegates his power under this section.

Administration of Criminal Justice Law and Evidence Act.

36. Subject to the provision of the Constitution of the Federal Republic of Nigeria 1999 (as altered) the Commission shall adopt and follow the procedure provided for under the Administration of Criminal Justice Law of the State and Evidence Act, in exercising its power under this Law.

Courts with Jurisdiction for Offences under this Law.

37. Prosecution of an offence under this Law shall be initiated in the Magistrate or High Court of the State.

Power to Invite and Examine Persons.

38. (1) Subject to the provisions of this Law, the Commission may issue an invitation 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 allegation, an invitation so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held.

(2) An officer of the Commission investigating a complaint under this Law may invite any person to -

(a) appear before him for the purpose of being examined in relation to any matter, which in his opinion would assist in the investigation of a complaint;

(b) produce before him any book, document or certified copy or any other article which, in his opinion would assist in the investigation of the complaint; or

(c) furnish a statement in writing made on oath or affirmation setting out all such information required under the notice being information which, in such officer's opinion would be of assistance in the investigation of the complaint.

(3) A person who has been invited shall;

(a) attend in person to be examined in accordance with the terms of the order and shall continue to attend from day to day as may be directed until the examination is completed and

(b) during such examination, disclose all information within his knowledge as required under the notice.

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

(5) A person to whom an order or notice is given shall comply with such order or notice.

(6) (a) An officer of the Commission examining a person under this Law shall record in writing any statement made by the person and the statement so recorded shall be read over to the maker, who on being satisfied that it is a true record of his statement shall sign before a superior officer of the Commission, and where such person refuses to sign the record, the officer shall endorse under his hand the fact of such refusal and any reason, stated by the person who is examined,

(b) any person who writes for a person who is an illiterate shall also write on such document his own name and address as the writer of the document; and

(c) any person being examined by an officer of the Commission over any allegation of any offence created by this Law may write under his hand the substance of the allegation over which he is being interviewed.

(7) Subject to the rules of evidence, the record of an examination or a written statement made pursuant to the provisions of this Law or any book, document or article produced or otherwise made in the course of an examination shall be tendered in evidence in any proceedings in a Court of Law.

(8) Any person who contravenes this section commits an offence and is liable on conviction to a custodial sentence not exceeding six (6) months.

Invitation to a Suspect

39. Subject to the provision of this Law, the Commission may issue an invitation 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 direction or in relation to any other matter which may aid or facilitate the investigation of the allegation, an invitation so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held.

[illegible] Service of [illegible]

40. (1) Every invitation issued by the Commission under this Law shall be in duplicate and signed by the Chairman or such officer as the Chairman may authorise.

(2) Every invitation under this Law shall be served by an officer of the Commission in the manner prescribed in the Sheriff and Civil Processes Law and any other Law relating to service of processes and the person effecting the service shall have and exercise all the powers conferred by that Law and any other Law relating to the service of processes.

(3) Where the person invited by the Commission is in the service of Government, the Commission may deliver the invitation in duplicate to the Head of the MDA in which such a person is employed for the purpose of it being served on that person and such officer shall cause the invitation to be served on that person.

(4) Where an invitation has been served upon a person 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 on the duplicate, and where service is not effected by handling the invitation to an individual but by some other method approved by this Law, the person effecting service shall endorse on the duplicate, particulars of the method by which the service was effected.

Power to obtain information.

41. The Commission shall seek and receive information from any person, authority, corporation or company without let or hindrance in respect of offences it is empowered to enforce under this Law

Person refusing to acknowledge Service.

42. A person who is required to sign or acknowledge a receipt on the back of the duplicate of the invitation to the effect that he has received the invitation who refuses to do so, may be arrested by the police or other Law enforcement agents authorised by Law to effect an arrest and commits an offence and liable on conviction to one (1) month custodial sentence or a fine of not less than One Hundred Thousand (N100,000.00) naira.

Failure to appear after receipt of Invitation.

43. The Commission shall obtain a warrant of arrest from a Court of competent jurisdiction to compel the attendance of a person who has been invited and who fails to honour the invitation of the Commission.

Power to Enter, Search and Seize.

44. (1) A duly authorised officer of the Commission may between the hours of 6.00 am to 5.00 pm. of any day except a Sunday or public Holiday, enter upon any land or premises for the purpose of investigating an allegation made against any person who is being investigated by the Commission.

(2) Where it appears to the Commission upon information and after such inquiry, that there is reasonable cause to suspect that in any place there is the evidence of the commission of an offence, the Commission may direct its officer(s) to make a report of such place to the police for their prompt action.

(3) A search or examination shall be conducted by an officer who is of the same gender as the person to be searched or physically examined.

(4) Where in the cause of an investigation into an offence under this Law any officer of the Commission on reasonable grounds suspects that any movable or immovable property is the subject matter of an offence or of evidence relating to the commission of the offence he shall after obtaining the order of the court, which may be by way of an ex-parte application, seize such property and deposit it at the office of the Commission.

(5) A list of all movable or immovable properties seized pursuant to subsection (4) of this section and of the place in which they are respectively found shall be made by the officer effecting the seizure and signed by him at the police station.

(6) A copy of the list referred to in subsection (5) of this section shall be served on the owner of such property or on the person from whom the property was seized under forty-eight (48) hours.

Custody of Seized Property.

45. (1) Where any movable property is seized under this Law, the seizure shall be effected by removing the movable property from the custody or control of the person from whom it is seized and placing it under the custody of such person or authority and at such place as the officer making the seizure may determine in accordance with the rules made in that respect and the approval of the Chairman.

(2) Where it is not practicable or it is otherwise not desirable to effect removal of any property under subsection (1) of this section, the officer referred to in that subsection may leave it at the premises in which it is seized under the custody of such person as he may detail for the purpose.

(3) Notwithstanding the provision of subsection (1) of this section, when any movable property has been seized under this Law, an officer who effected the seizure may in his discretion-

(a) temporarily return the movable property to the owner or to the person from whose possession, custody or control it was seized, or to such person as he may be entitled to, subject to such terms and conditions as may be sufficient security being furnished to ensure that the movable property shall be surrendered on demand by the officer who authorized the release or any other officer of the Commission and that such terms and conditions, if any shall be complied with; or

(b) return the movable property to the owner of, or to the person from whose possession, custody or control it was seized or to such a person as may be entitled to, with liberty for the person to whom the movable property is so returned, to dispose of the property, such return being subject to security being furnished in an amount not less than an amount which represents the present market value of such property on the date on which it is returned.

(4) Where any person to whom movable property is temporarily returned under subsection (3) of this section, fails to surrender such property on demand or to comply with any term or condition imposed under that subsection; the security furnished in respect of such property shall be forfeited and that person commits an offence and is liable on conviction to a fine of not less than two times the

amount of the security furnished by the person and to custodial sentence for a term of not less than one (1) year.

(5) Where any movable property seized is likely to decay or deteriorate or is perishable or is that which cannot be maintained without difficulty, or which is not practicable to be maintained and which cannot be dealt with under subsection (3) (a) of this section, the officer may sell or cause such property to be sold at the prevailing market value and shall hold the proceeds of the sale after deducting the cost and expenses of the maintenance and of the sale of the property and after obtaining the clearance and approval of the Chairman.

Legal Obligation to give Information.

46. (1) Subject to such limitation as is provided under this Law, every person required by an officer of the Commission to give information on any subject matter which is the duty of such an officer to inquire into and which is in that person's statutory power to give, shall be legally bound to give such information.

(2) Any person who fails to comply with subsection (1) above commits an offence and is liable on conviction to six (6) months custodial sentence or a fine of One Million Naira (N1,000,000.00).

Obstruction of Inspection and Search

47. Any person who-

(a) refuses an officer access to any premises, or fails to submit to a search by the Police or a person authorised by the Commission;

(b) assaults or obstructs any officer or any person authorised by the Commission in the execution of this Law;

(c) fails to produce or conceals from an officer any book, document, article or material in relation to which such officer has reasonable grounds for suspecting or believing that an offence under this Law has been or is being committed;

(d) rescues or endeavours to rescue or causes to be rescued any person who has been duly arrested or anything which has been duly seized; or

(e) destroys anything to prevent the seizure or the securing of the thing, commits an offence and is liable on conviction to a term of two (2) years custodial sentence or to a fine of One Million Naira (N1,000,000.00).

Bail and Application of the Administration of Criminal Justice Law of Lagos State.

48. (1) For the purpose of obtaining bail for any offence created by this Law, the provisions of the Administration of Criminal Justice Law of Lagos State shall apply.

(2) Every person arrested under any of the provisions of this Law may be released from custody on his executing a bond with sureties, as is required by the Administration of Criminal Justice Law of Lagos State.

(3) (a) Any person who has been released on bail from custody may be re-arrested upon an ex-parte application to the court, to revoke such bail granted, if the person violates the bail condition.

(b) On being notified in writing by the sureties that a person released on bail has broken or is likely to break any condition or subject to which the person was released on bail and the sureties wish to be relieved of their obligation as sureties, the bail shall be withdrawn and such person be returned to custody.

Persons arrested to be taken to Court within 48 Hours.

49. (1) Without prejudice to the provisions of section 42 of this Law, any person arrested under this Law, who is not released on bail shall, without unreasonable delay, and in any case within 48 hours (excluding the time for any necessary journey) be produced before a Court and where it appears to the Court that any condition on or subject to which such a person was released or otherwise admitted to bail has been or is likely to be broken, the Court may order that such a person be –

(a) retained in custody; or

(b) admited to bail on the same conditions or on other conditions as it deems fit.

(2) Where a person who is arrested for an offence under this Law is serving a sentence or imprisonment or is in detention under any Law relating to preventive detention or is otherwise in lawful custody, he shall, upon an order of the Court, be produced to an 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 (48) forty-eight hours.

(3) A person who is detained in lawful custody under subsection (2) of this section or under any other provision of this Law or any other Law for the time being in force 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 seizure of any property or identifying any person or for any other purpose related to the investigation.

An Accused Person to be Informed of the Offence and Rights.

50. A person arrested or is informed that he may be prosecuted for an offence under this Law, shall be served with a notice in writing, informing him of the charge(s) against him and shall have his rights read to him.

Admissibility of Translated Documents.

51. Where any document to be used in a proceeding against any person for an offence under this Law is in a language other than English language, a translation of such document into English language shall be admissible where the translation is accompanied by a certificate of the person who translated the document, setting out that it is a true and correct translation and the translation has been done by such person at the instance of the Chairman or an officer of the Commission.

Seal of the Commission.

52. (1) The common seal of the Commission shall be determined by the Commission and affixing of the common seal will be authenticated by the signature of the Chairman and the Secretary /Legal Adviser.

(2) A document duly executed with the common seal of the Commission shall be admissible in court and unless the contrary is proven, be deemed to be so executed.

Accounts and Audit.

53. (1) The Commission shall keep proper accounts in respect of its revenue and expenditure in such form as the Commission may direct, being in a form that shall conform with standard accounting practice and Financial Regulations of the State.

(2) The accounts shall be audited annually by external auditors appointed by the Commission from a list of approved auditors provided by the Auditor-General of the State in accordance with the Audit Law.

Annual Estimate.

54. The Commission shall submit to the Governor, an estimate of its income and expenditure for the next succeeding year in accordance with budgeting guidelines applicable in the State.

Offence Disclosed during the Investigation of Another.

55. Where in the course of an investigation or proceedings in Court in respect of the commission of an offence under this Law, there is disclosed an offence under any written law being an offence whether the offence is committed by the same person or any other person, the officer of the Commission responsible for such investigation or proceeding shall notify the Attorney-General of the State or the appropriate authority.

Identiality.

56. (1) Officers of the Commission cannot be compelled to disclose the source of information or identity of their informants except by the order of the court.

(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 information is received shall be confidential, 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.

(3) Where any book, paper or document, visual or sound recording or other matter or material which is given in evidence or liable to inspection in any Civil or Criminal proceedings before any Court or other authority as are referred to in subsection (1) of this section, contains an entry or other matters in which any person who gave the information is named or described or shown or which might lead to his discovery, the Court before which the proceedings are held shall cause all such parts or passages in it to be concealed from view or to be obliterated or otherwise removed so far as is necessary to protect such a person from discovery.

False Statement.

57. Any person who makes or causes to be made to an officer of the Commission or to any other Public Officer, any statement which to the knowledge of the person making the statement, or causing the statement to be made –

(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, commits an offence and is liable on conviction to a fine not exceeding One Million Naira (N1,000,000.00) or to a term not exceeding one (1) year custodial sentence or both.

(c) Where any person who has made a statement to an officer of the Commission in the course of the officer exercising any power conferred by this Law –

(i) subsequently makes any other statement to any person having authority or power under any law to receive or require to be made such other statement regardless of whether or not the person making the statement is under a legal or other obligation to tell the truth,

(ii) if such other statement is inconsistent with any statement previously made to an officer of the Commission or such other Public Officer, commits an offence and is liable on conviction to a fine not exceeding one million Naira (N1,000,000.00) or to an imprisonment for a term not exceeding two (2) years custodial sentence or both.

(d) Any statement made in the course of any legal proceedings before any Court, whether civil or criminal, or any statement made by any person in the course of any disciplinary proceedings, whether such legal proceedings or disciplinary proceedings are against the person making the statement or another person, shall be deemed to be a statement made to a person having authority or power under the Law to receive the statement so made.

Forfeiture of Means of Conveyance.

58. Without prejudice to the provisions of any other law permitting the forfeiture of property, the following shall also be subject to forfeiture under this Law and no proprietary right shall exist in them –

(a) all means of conveyance, including aircraft, vehicles, or vessels which are used or intended for use to transport or in any manner, to facilitate the transportation, sale, receipt, possession or concealment of economic or financial crime except that –

(i) no means of conveyance used by any person as a common carrier in the transaction of business shall be forfeited under this section unless it appears that the owner or other person in the charge of such means of conveyance was a consenting party or privy to a violation of this Law;

(ii) no means of conveyance shall be forfeited under this section by reason of any act established by the owner to have been committed by any person other than such owner while such means of conveyance was unlawfully in the possession of a person other than the owner in violation of the Criminal Law of the State;

(b) all books, records, research and data used or intended to be used in violation of any provision of this Law;

(c) all monies, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for any illegal act or in violation of this Law or all monies, negotiable instruments and securities used or intended to be used to facilitate the violation of the provisions of this Law;

(d) all real property, including any right, title and interest (including any leasehold interest) in the whole or any piece or parcel of land and any improvements or appurtenances which is used or intended to be used, in any manner or part to commit, or facilitate the commission of an offence under this Law.

Seizure of Property by the Commission.

59. (1) Any property subject to forfeiture under this Law may be seized by the Commission in the following circumstances –

(a) the seizure is incidental to an arrest or search; or

(b) in the case of property liable to forfeiture upon processes issued by the Court following an application made by the Commission in accordance with the prescribed rules.

(2) Whenever property is seized under any of the provisions of this Law, the Commission may –

(a) place the property under seal; or
(b) remove the property to a place designated by the Commission.

(3) Properties taken or detained under this section shall be deemed to be in the custody of the Commission, subject only to an order of a Court.

Declaration of Assets of a Person under Investigation.

60. (1) Where a person is arrested for committing an offence under this Law, such person shall make full disclosure of all assets and properties by completing the Declaration of Assets Form.

(2) The completed Declaration of Assets Form shall be investigated by the Commission.

(3) Any person who –
(a) knowingly fails to make full disclosure of his assets and liabilities; or
(b) knowingly makes a declaration that is false; or
(c) fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets form;

commits an offence under this Law and is liable on conviction to a term of five (5) years custodial sentence.

(4) The Chairman of the Commission shall have powers to make changes or modifications to the mode of Declaration of Assets as may become necessary in order to give effect to the provisions of this Law.

...and Attachment ...ssets of Person ...vestigation.

61. Where a person is arrested for an offence under this Law, the Commission shall immediately trace and attach all the assets and properties of the person acquired as a result of such corrupt practice and shall cause to be obtained an interim attachment order from the Court.

...ion for Interim

62. Where -

(a) the assets or properties of any person arrested for an offence under this Law has been seized; or

(b) any assets or property has been seized by the Commission under this Law,

the Commission shall cause an application to be made to the Court for an interim order forfeiting the property to the State Government.

...ture Order Post-...ion.

63. Where a person is convicted of an offence under this Law, the Commission or any authorised officer shall apply to the Court for the order of confiscation and forfeiture of the convicted person's assets and properties acquired or obtained as a result of the crime already subject to an interim order under this Law.

Final Forfeiture Order

64. (1) A copy of every final order forfeiting the asset and property of a person convicted under this Law shall be forwarded to the Commission.

(2) Upon receipt of a final order pursuant to this section, the Secretary to the Commission shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds shall be paid to the state or the victim as the case may be.

(3) Where any part of the property included in a final order is money in a bank account or in the possession of any person, the Commission shall cause a copy of the order to be produced and served on the manager or any person in control of the head office or branch of the bank concerned and that manager or person shall pay over the money to the Commission without any further assurance than this Law and the Commission shall pay the money received to the victim.

Dealing in Forfeited Assets.

65. (1) Any person who, without due authorisation by the Commission, deals with, sell or otherwise dispose of any property or assets which is the subject of an attachment, interim order or final order commits an offence and is liable on conviction to a term of five (5) years custodial sentence.

(2) Any manager or person in control of the head office or branch of a bank or other financial institution who fails to pay over to the Commission upon the production of a final order commits an offence and is liable on conviction to a term of not less than one (1) year and not more than three (3) years custodial sentence.

Revocation of Forfeited Assets

66. (1) Where a person is discharged or acquitted by a Court of an offence under this Law, the Court may make an order of revocation or confirmation as the case may be, of an interim order made pursuant to this Law whichever order is considered just, appropriate or reasonable within the circumstances.

(2) The property may be attached where a discharge is merely given on technical grounds.

(3) Where an interim order is revoked by a Court under subsection (1) of this section, all assets and properties of the person concerned shall be released to the person by the Commission.

Freezing Order.

67. (1) Notwithstanding anything contained in any other enactment or law, the Chairman of the Commission or any officer authorised may, if satisfied that the money in the account of a person is made through the commission of an offence under this Law or any enactments under section of this Law, apply to the Court exparte for power to issue or instruct a bank examiner or such other appropriate regulatory authority to issue an order addressed to the manager of the bank or any person in control of the financial institution where the account is or believed to be or the head office of the bank or other financial institution to freeze the account.

(2) The Chairman of the Commission, or any officer authorised by the Chairman may by an order issued under subsection (1) of this section, or by any subsequent order, direct the bank or other financial institution to supply any information and produce books and documents relating to the account and to stop all outward payments, operations or transactions (including any bill of exchange) in respect of the account of the person under investigation.

(3) The manager or any other person in control of the financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (2) of this section.

...the ...of the ...ion

68. No legal proceeding, 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 or omitted to be done in good faith by such an officer or other person pursuant to the provisions of this Law.

General Penalty for Other Offences.

69. A person convicted for an offence under this Law for which no penalty is specifically provided shall be liable upon conviction to a fine of not less than Two Hundred Thousand Naira (N200,000.00) or to a term of not less than six (6) months custodial sentence or both.

Right of Appeal.

70. A person convicted for an offence under this Law 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 1999 (as altered) in any case within thirty (30) days.

Submission of Progress Report to the Governor and House of Assembly.

71. (1) The Commission shall submit a progress report of its activities to the Office of the Governor and to the House of Assembly of the State respectively.

(2) The report referred to in subsection one (1) of this section shall be submitted on yearly basis, not later than 31st day of December of every year.

Power to Make Regulations.

72. The Attorney-General of the State may make rules or regulations in accordance to the Regulations Approval Law, with respect to the exercise of any of the duties, functions or powers of the Commission under this Law.

Citation and Commencement.

73. This law may be cited as the Lagos State Public Complaints and Anti-Corruption Commission Law and shall come into effect on ……………..of …………………. 2021.