

*Extraordinary*



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# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL INSTITUTE OF INDUSTRIAL RESEARCH FOR THE DEVELOPMENT OF MICRO, SMALL, MEDIUM AND LARGE INDUSTRIES, AIMED AT RAPID INDUSTRIALIZATION AND SOCIO-ECONOMIC DEVELOPMENT OF NIGERIA; AND FOR RELATED MATTERS, 2019

*Sponsored by Hon. Uzoma Nkem Abonta*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL INSTITUTE OF INDUSTRIAL  
2 RESEARCH AND THE GOVERNING BOARD

3 1.-(1) There is established the Federal Institute of Industrial  
4 Research (in this Act referred to as "the Institute").

Establishment of  
the Federal Institute  
of Industrial  
Research

5 (2) The Institute-

6 (a) shall be a corporate body with perpetual succession and a  
7 common seal;

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

9 (c) may for the purposes of performance of its functions under this  
10 Act, acquire, hold movable or immovable property and enter into contract or  
11 any other transaction for the purposes of carrying out any of its functions.

12 Establishment of the Federal Institute of Industrial Research

13 2. The functions of the Institute shall be to-

Functions of the  
Institute

14 (a) conduct industrial research up to pilot plants for the  
15 development of the micro, small, medium and large scale industries in  
16 Nigeria; conduct research and development into Foods and Agro-Allied  
17 processing technology;

- 1 (b) conduct research and development into Pulp and Paper
- 2 technology;
- 3 (c) conduct research and development into product design and
- 4 packaging;
- 5 (d) conduct research and development in design and fabrication of
- 6 processing equipment;
- 7 (e) render consultancy services to evaluate the technical and
- 8 economic viability of technology based enterprises;
- 9 (f) provide technical assistance services for the growth of indigenous
- 10 services and
- 11 (g) assist in accelerating the industrialization of the Nigeria economy
- 12 through research programmes and technology development;
- 13 (h) promote the establishment and growth of intermediate product
- 14 industries;
- 15 (i) identify indigenous technologies in the areas of foods, non-foods
- 16 processing and develop them into modern technology;
- 17 (j) assists in the transfer, adaptation and utilization of technologies by
- 18 industries through organized technology transfer and techno-entrepreneurship
- 19 development programmes and other means that will ensure the end results of
- 20 research carried out get to the relevant end users for rapid industrialization and
- 21 socio-economic growth of Nigeria;
- 22 (k) carry out appropriate research to ensure compliance with
- 23 standards and specifications designated by the Institute and approved by other
- 24 regulatory authorities in Nigeria for effective control of quality of foods and
- 25 other Industrial products;
- 26 (l) establish and equip research and development laboratories with
- 27 relevant standard facilities the institute;
- 28 (m) conduct, review and supervise research and development
- 29 program and projects in local foods and agro-allied processing; pulp and paper
- 30 processing; product design and packaging technologies; design and fabrication

- 1 of prototype processing equipment;
- 2 (n) liaise with relevant establishments within and outside Nigeria
- 3 in pursuance of the functions of the Institute;
- 4 (o) establish and operate world class laboratories and workshops as
- 5 centres of excellence for cutting edge research in all aspects industrial
- 6 research;
- 7 (p) establish demonstration factories, Spin-off companies and
- 8 industrial parks to ensure rapid commercialization of its research and
- 9 development output as well as providing necessary avenues for training and
- 10 re-training of skilled labour and manpower, including students of tertiary
- 11 institutions on Industrial Attachment;
- 12 (q) encourage and promote the commercialization of research and
- 13 development innovation results through patents in conjunction with
- 14 National Office for Technology Acquisition and Promotion (NOTAP);
- 15 (r) establish and operate Zonal, State and Regional Offices for
- 16 effective delivery and deployment of its services in Nigeria, Africa and other
- 17 continents of the world;
- 18 (s) provide technical consultancy services and industrial
- 19 troubleshooting to industries for revenue generation and for quality control;
- 20 (t) conduct techno-economic evaluation study on its developed
- 21 technologies with a view to provide justifications for investments and attract
- 22 entrepreneurs to invest in such technologies;
- 23 (u) collaborate with relevant bodies especially tertiary institutions
- 24 to develop curricula or modules for appropriate technology transfer and
- 25 techno-entrepreneurship training programmes with a view of diploma
- 26 awards;
- 27 (v) achieve a high research and development output and revenue;
- 28 (w) make the desired impact on national economic and social
- 29 development;
- 30 (x) a member of any relevant International Scientific bodies;

	1	(y) publish research results of its activities and collaborate with
	2	educational institutions and other relevant government institutes,
	3	organizations, agencies, councils and industries in research and development ;
	4	and
	5	(z) carry out such other activities as are necessary or expedient for the
	6	performance of its functions under this Act.
Establishment of the Governing Board of the Institute	7	<b>3.</b> There is established for the Institute a Governing Board
	8	(hereinafter in this Act referred to as "the Board"), which shall formulate policy
	9	for the Institute.
Composition of the Governing Board of the Institute	10	<b>4.-(1)</b> The Institute shall consist of-
	11	(a) a Chairman, appointed by the President with requisite knowledge
	12	and experience in matters relating to global industrial research and
	13	development;
	14	(b) the Minister charged with the responsibility of Science and
	15	Technology or his representative;
	16	(c) a representative of the Manufacturers Association of Nigeria
	17	(MAN);
	18	(d) a representative of the Nigerian Association of Small Scale
	19	Industrialists (NASSI);
	20	(e) a representative of the Nigerian Association of Small and Medium
	21	Enterprises (NASME);
	22	(f) the Minister charged with the responsibility of Trade and
	23	Investment or his representative;
	24	(g) a representative of the Nigerian Society of Engineers (NSE);
	25	(h) a representative of the Academy of Science;
	26	(i) a representative of Nigerian Institute of Foods, Science and
	27	Technology (NIFST);
	28	(j) a representative of the Nutrition Society of Nigeria (NSN);
	29	(k) the Minister charged with the responsibility of Agriculture &
	30	Rural Development or his representative;

1 (l) a person appointed by the President on the recommendation of  
2 the Minister to represent the civil society organizations; and

3 (m) the Director-General of the Institute, who shall be the Board's  
4 Secretary.

5 (2) The supplementary provision set out in the First Schedule to  
6 this Bill shall have effect with regard to the proceedings of the Board and  
7 other matters contained in the Schedule.

8 **5.-(1)** The Chairman of the Board shall hold office for a term of  
9 four years and may be eligible for re- appointment for another term of four  
10 years and no more.

Tenure of the  
members of the  
governing board  
of the Institute

11 (2) A member of the Board, who is not an ex-officio member, shall  
12 hold office for a term of four years and may be eligible for re-appointment  
13 for another term of four years and no more.

14 **6.** The Chairman and other members of the Board shall be paid  
15 such allowances and expenses in accordance with such rates as may be  
16 approved by the Federal Government of Nigeria, from time to time.

Remuneration of  
members of the  
governing board  
of the Institute

17 **7.-(1)** Where it appears that the Chairman or any member of the  
18 Board, other than an ex-officio member, should be removed from office on  
19 the grounds of misconduct or inability to perform the functions of his office,  
20 the Board shall make a recommendation through the Minister to the  
21 President for approval.

Removal of the  
Chairman or any  
member of the  
Board of the  
Institute

22 (2) Where the President, after making such inquiries as he  
23 considers necessary, approves the recommendation made through the  
24 Minister by the Board, the Secretary to the Government of the Federation  
25 shall, in writing declare the position of such member vacant.

26 (3) Notwithstanding the provision of subsection (1) of this section,  
27 the President may remove any member of the governing board, where he is  
28 satisfied that it is in the interest of the Institute and the public to do so.

29 **8.** A member of the Governing Board other than an ex-officio  
30 member may, at any time by a notice in writing addressed to the President

Resignation by  
member of the  
Board

	1	through the Minister, resign from being a member of the Governing Board of
	2	the Institute.
Cessation of members of the Board from office	3	<b>9.</b> Notwithstanding the provisions of section 4 of this Act, a member
	4	of the Board ceases to hold office as a member, where-
	5	(a) he resigns his appointment as a member of the Board by notice
	6	under his hand addressed to the President of the Federal Republic of Nigeria;
	7	(b) he becomes of unsound mind;
	8	(c) he becomes bankrupt;
	9	(d) he is convicted of a felony or any other offence involving
	10	dishonesty or corruption;
	11	(e) he becomes incapable of performing on the functions of his office
	12	either arising from an infirmity of mind or body;
	13	(f) the President of the Federal Republic of Nigeria is satisfied that it
	14	is not in the interest of the Institute or in the interest of the public for the person
	15	to continue in office;
	16	(g) he has been found guilty under the Code of Conduct or serious
	17	misconduct in relation to his duties; or
	18	(h) in the case of a person who becomes a member by virtue of the
	19	office he occupies cease to hold such office.
Filling of vacancies	20	<b>10.</b> In the event of death or resignation by a member of the Governing
	21	Board or where the office of a member of the board becomes vacant under
	22	section (3), a replacement shall be by appointment by the President of the
	23	Federal Republic of Nigeria.
	24	<b>PART II - POWERS AND FUNCTIONS OF THE BOARD OF THE INSTITUTE</b>
Powers of the Board	25	<b>11.</b> The Board shall have powers to-
	26	(a) formulate policies and ratify short and long-term plan of the
	27	Institute;
	28	(b) ratify the annual budget and estimates of the Institute in line with
	29	approval granted by National Assembly in the appropriation Act;
	30	(c) approve research and academic programmes of the Institute;



- 1 (d) approve investment plan of the Institute;
- 2 (e) consider and approve the capital development plans of the
- 3 Institute;
- 4 (f) receive and consider proposals, recommendations and
- 5 suggestions of the Director-General or any Committee of the Governing
- 6 Board on matters relating to the functions of the Institute under this Act;
- 7 (g) constitute any committee that may be necessary to discharge
- 8 any of the function assigned to it under this Act;
- 9 (h) attract funds by way of donations and contributions to the
- 10 Institute and put in place mechanisms for collection and utilization of such
- 11 funds;
- 12 (i) invest surplus funds of the Institute in profit-yielding ventures;
- 13 and
- 14 (j) carry out or exercise any other powers that may be necessary for
- 15 the attainment of the objects of this Act.
- 16 **12.-(1)** The Institute shall have-
- 17 (a) its headquarters in Lagos;
- 18 (b) liaison office or Directorate in Abuja; and
- 19 (c) zonal office in each of the six geo-political zones of Nigeria
- 20 which include-
- 21 (i) North-West;
- 22 (ii) North-East;
- 23 (iii) North-Central;
- 24 (iv) South-East;
- 25 (v) South-West; and
- 26 (vi) South-South.
- 27 (2) The Institute shall operate a departmental structure with
- 28 directorate or any other structure as may be considered necessary for the
- 29 performance of its functions and delivery of its services under this Act.
- 30 (3) The head of Research Directorate shall be designated as head of

The structure of  
the Institute

1 Department and headed by a Director.

2 (4) The head of Research Department shall hold office for 3years at  
3 the first instance and renewable for another 3years and no more.

4 (5) Notwithstanding the provision of subsection (3) of his section, in  
5 the absence of a Director or head of Research Directorate, the most senior  
6 research officers may be appointed in acting capacity on the recommendation  
7 of the Director-General of the Institute to the Board.

8 (6) A department shall have not more than five divisions, with each  
9 division headed by Deputy Director and Division may consists of Sections,  
10 headed by Chief Research or Scientific Officer and Section may also be  
11 composed of Units for effectiveness.

12 (7) Zonal Offices shall be headed by a Zonal Coordinator.

13 PART IV - APPOINTMENT OF THE DIRECTOR-GENERAL AND OTHER

14 STAFF OF THE INSTITUTE

Appointment of  
the Director-  
General of the  
Institute

15 **13.**-(1) There shall be appointed for the Institute a Director-General,  
16 who shall be the Chief Executive Officer and Accounting Officer of the  
17 Institute.

18 (2) The Director-General shall be-

19 (a) appointed by the President on the recommendation of the  
20 Minister;

21 (b) responsible to the Board for the management of the affairs of the  
22 Institute;

23 (c) responsible for the execution of the policy and the day-to-day  
24 administration of the affairs of the Institute;

25 (d) entitled to earn a remuneration and allowances as may be specified  
26 in his letter of appointment;

27 (e) a person with cognate experience and skills of not less than 15  
28 years post-doctoral qualification and/ or 25 years post qualification as a  
29 professional in all fields of sciences and engineering that relate to the operation  
30 of the Institute or other criteria as may be stipulated;

1 (f) hold office for a term of four years at the first instance and  
2 eligible for re-appointment for another term of four years on such terms and  
3 conditions as may be specified in his letter of appointment and no more; and

4 (g) shall be the Secretary to the Institute and the Governing Board,  
5 but not a member of the Board.

6 **14.** The Director-General shall-

The duties of the  
Director-General  
of the Institute

7 (a) prepare the minutes of meetings of the Governing Board and  
8 any of its committees;

9 (b) keep and secure all records of the Governing Board;

10 (c) issue notice of meetings of the Governing Board as may be  
11 directed by the Chairman;

12 (d) be responsible for the implementation of the resolutions of the  
13 Governing Board;

14 (e) coordinates the preparation of income and expenditure  
15 estimates and development plans for the Governing Board consideration;

16 (f) have custody of the seal of the Institute;

17 (g) perform such other functions as may be assigned by the Board  
18 from time to time; and

19 (h) perform such other functions as may be assigned by the Board.

20 **15.-(1)** The Principal Officers of the Institute shall include-

Principal officers  
of the Institute

21 (a) Directors;

22 (b) Head of Departments;

23 (c) Zonal Coordinators;

24 (d) Head of Servicom Office;

25 (e) Chief Internal Auditor;

26 (f) Head of Pension Office;

27 (g) Head of Legal; and

28 (h) Head of Procurement.

29 (2) The Directors, Heads of Departments or Zonal Coordinators

	1	shall assist the Director-General in the day-to-day management of the Institute.
	2	(3) Directors or Zonal Coordinator shall-
	3	(a) head each of the Directorate of the Institute;
	4	(b) implement the policies of the Institute as they apply to the
	5	directorate;
	6	(c) prepare draft expenditure estimate and development plans of his
	7	directorate;
	8	(d) serve on Scientific or Technical Advisory Committee of the
	9	Institute and;
	10	(e) perform such other functions as may be determined by the
	11	Director-General.
Other staff of the Institute	12	<b>16.</b> The Board may from time to time, appoint or employ such other
	13	persons as members of staff of the Institute on the recommendation of the
	14	Director-General as may be necessary, subject to the Extant Rules and
	15	Conditions of Service of the Institute.
Remuneration of employees of the Institute	16	<b>17.</b> Salaries and benefits of the staff of the Institute shall be in
	17	accordance with the conditions and scheme of service in Research Institutes in
	18	Nigeria or as may be approved by the Board of the Institute.
Staff regulations	19	<b>18.-(1)</b> The Board may make staff Regulations or adopt staff
	20	Conditions of Service that is independent of the Civil Service of the Federation
	21	that may provide for:
	22	(a) the remuneration and tenure of office of members of staff of the
	23	Institute;
	24	(b) appointment, promotion, fringe benefits and incentive, for
	25	members of staff of the Institute; and
	26	(c) appeal procedure for members of staff of the Institute against
	27	dismissal or other disciplinary measures.
	28	(2) The Board shall have power to amend Regulations made under
	29	this Act, provided that the proposal for is passed by two-thirds majority of the
	30	Board members.

1 (3) All Regulations made by the Board subject to the provisions of  
2 this Act, may be published in the Official Gazette of the Federal Government  
3 of Nigeria.

4 19.-(1) The Principal Officers of the Institute may be removed  
5 from office by the Board with the approval of the Minister.

Removal and  
discipline of  
staff in the  
Institute

6 (2) Any other senior member of staff of the Institute may be  
7 removed from office by the Director-General with the approval of the  
8 Board.

9 (3) The removal from office of any junior staff shall be with the  
10 approval of the Director-General.

11 20.-(1) Service in the employment of the Institute shall be as  
12 approved service under the Pensions Reform Act, accordingly, employees  
13 of the Institute shall, in respect of their services be entitled to pension and  
14 other retirement benefits as are prescribed in the Act.

Application of  
the Pensions  
Reform Act

15 (2) Notwithstanding the provisions of subsection (1) of this  
16 Section, nothing in this Act, shall prevent the appointment of a person to any  
17 office on terms, which preclude the grant of a pension and gratuity in respect  
18 of that office.

19 (3) For the purpose of the application of the Pensions Reform Act,  
20 any power exercisable thereunder by the President or authority other than  
21 the Federal Government (not being the power to make Regulations under  
22 Section 34 of this Act), shall be vested in and exercisable by the Institute.

23 (4) Subject to subsection (2) of this Section, the Pensions Reform  
24 Act, shall in its application of subsection (3) of this section, have effect as if,  
25 the office were in the public service of the Federation within the meaning of  
26 the Constitution of the Federal Republic of Nigeria, 1999 (as Amended).

### 27 PART III - STRUCTURE AND CONSTITUTION OF COMMITTEE OF

#### 28 THE INSTITUTE

29 21.-(1) The Institute may establish Scientific/Technical Advisory  
30 Committee (in this Act referred to as 'the Committee' in the areas of research

Constitution of  
Scientific/Technical  
Advisory Committee

Establishment  
of demonstration  
factories, spin-off  
companies and  
industrial parks

1 to assist the Institute in various aspects of its responsibilities.

2 (2) The members of a Scientific or Technical Advisory Committee  
3 shall be persons with requisite expertise and experience in the relevant areas of  
4 interest to the Institute.

5 **22.**-(1) The Institute may with the approval of the Chairman of the  
6 Board or Minister, establish Demonstration Factories, Spin-off Companies and  
7 Industrial Parks in any of the six-geo-political zones of Nigeria, based on the  
8 availability of raw materials and other factors of production of relative  
9 advantage in such zones.

10 (2) The Institute shall provide for-

11 (a) the location of the factories or companies or Industrial parks;

12 (b) the field in which the factories, companies and industrial parks are  
13 to conduct its work and manpower training where applicable;

14 (c) the transfer to the centre by mutual agreement of any existing  
15 Federal, State and Local Government facilities;

16 (d) the establishment and constitution of senior officers of the  
17 Institute to manage the affairs of the factories, Companies and Industrial parks;

18 (e) the demonstration Factories, Spin-off Companies and Industrial  
19 parks shall be fully equipped to carryout training and research and  
20 development activities; and

21 (f) a suitable association and collaboration of the Demonstration  
22 factories, Spin off companies and Industrial parks with universities, other  
23 institutions of higher learning and commercial industries.

24 (3) The Institute may with the approval of relevant authorities  
25 establish and operate FIIRO Consult, which shall be a semi-autonomous body  
26 to commercialize inventions and innovations of the Institute.

#### 27 PART V - FINANCIAL PROVISIONS

Establishment  
of Fund for the  
Institute

28 **23.**-(1) The Institute shall establish and maintain a fund which shall be  
29 applied towards the promotion of the objectives specified in this Act.

30 (2) There shall be paid and credited to the fund established in

1       pursuance of subsection (1) of this section-

2               (a) such sums as may be provided by the Government of the  
3       Federation or appropriated by the National Assembly for payment into the  
4       Fund of the Institute;

5               (b) fees charged for services rendered by the Institute; including  
6       royalties on Institute's technologies ceded to the Industries for national  
7       development;

8               (c) all sums accruing to the Institute by way of gifts, testamentary  
9       dispositions, endowments or contributions from philanthropic persons or  
10      organizations;

11              (d) contributions from the organized privates sector;

12              (e) foreign aids and assistance from bilateral and multilateral  
13      Agencies; and

14              (f) proceeds from commercialization of research and development  
15      products of the Institute.

16              (3) Notwithstanding the provision of Subsection (2) of the Section,  
17      every application for registration into the Institute's Journal, shall attract a  
18      fee, which shall be credited and maintained in a separate account of the  
19      Institute, part of which shall be used for the publication of the Institute's  
20      journal.

21              **24.** The Institute shall apply the funds established under this Act,  
22      with the approval of the National Assembly-

Expenditure of  
the Institute

23              (a) conduct research and development activities in the capital  
24      project of the Institute;

25              (b) maintain the Head Office and establish zonal offices for the  
26      Institute;

27              (c) pay allowances and expenses of members of the Board;

28              (d) sponsor local and international conferences, seminars,  
29      workshops for members of staff of the Institute;

	1	(e) provide scholarship and award for specialized training for
	2	personnel;
	3	(f) publicize and promote the activities of the Institute;
	4	(g) support national and international scientific bodies and pay annual
	5	dues and other contributions to scientific organizations, in which Nigeria is a
	6	member; and
	7	(h) undertake any other activity in connection with the object of this
	8	Act;
	9	(i) fund the establishment of spin-off companies and demonstration
	10	factories.
Annual estimates, accounts and audit	11	<b>25.-(1)</b> The Institute shall not later than 30th September of each year,
	12	submit to the Board and National Assembly for approval its estimates of
	13	income and expenditure for the next financial year.
	14	(2) The Institute shall-
	15	(a) keep proper records of all accounts of its income and expenditure;
	16	and
	17	(b) prepare statement of account in respect of each financial year.
	18	(3) The Institute shall, not later than 30th June of each financial year,
	19	submit its accounts to auditors appointed from the list of qualified auditors in
	20	accordance with guidelines laid down by the Auditor-General for the
	21	Federation and the auditors fees and expenses shall be paid from the Funds of
	22	the Institute and provide same to the National Assembly for oversight
	23	purposes.
Annual report	24	<b>26.-(1)</b> The Institute shall not later than 30th June of each financial
	25	year, submit to the Board, in respect of the preceding financial year, an annual
	26	report on the activities of the Institute in such form as the Board may direct.
	27	(2) The report referred to in subsection (1) of this section shall
	28	include-
	29	(a) information on the activities of the Institute for the year;
	30	(b) a copy of the audited accounts of the Institute for that year together



1 with the Auditor-General's report on the accounts of the Institute; and

2 (c) such other information as the Board may request.

3 (3) The Director-General shall provide such information on the  
4 affairs of the Institute as the Board may from time to time request.

5 **27.** All income derived by the Institute from the sources specified  
6 in section 23 subsection (2) of this Act shall be exempted from income tax  
7 and all contributions to the fund of the Institute shall be tax deductible.

Exemption from  
income tax

8 **28.** Subject to the approval of the Board, the Institute may invest in  
9 profitable productions of capital goods by joint venture, partnership, share-  
10 holding or as sole proprietor or as the case may be, the net income generated  
11 shall be paid into the fund of the Institute.

Capital production  
income

12 **29.-(1)** The Institute may, with the consent or in accordance with  
13 any general authority given by the Board, borrow by way of loan or  
14 overdraft, any specified amount of money required by the Institute for its  
15 obligations and functions under this Act in line with extant laws and  
16 regulations.

Borrowing and  
investment power  
of the Institute

17 (2) The Institute may, subject to the provisions of this Act and the  
18 conditions of any trust created in respect of any property, invest any of its  
19 funds with the consent or general authority of the Board.

20 (3) The Institute may invest any of its surplus funds in such  
21 securities as the Board may, from time to time, approve.

22 **PART VI - MISCELLANEOUS**

23 **30.-(1)** The Institute may accept any gift of land, money or other  
24 property upon such terms and conditions, if any, as may be specified by the  
25 person or organization making the gift.

Power to accept  
gifts

26 (2) The Institute shall not accept any gift where the conditions  
27 attached by the person or organization making the gift are inconsistent with  
28 the functions and objectives of the Institute.

29 (3) A gift donated to the Institute or project of the Institute shall be  
30 made directly to the Institute and shall be utilized only for the purpose.

The seal of the  
Institute

1                   **31.**-(1) The seal of the Institute shall be such as may be administered  
2 by the Board, signed by the Chairman of the Board and the Director-General.

3                   (2) Certificates issued by the Institute shall have the Institute's seal  
4 affixed and signed by the Chairman of the Board and the Director-General of  
5 the Institute.

6                   (3) Any contract or instrument which, if made or executed by a person  
7 not being a body corporate, would not be required to be under seal may be made  
8 or executed on behalf of the Institute by any authorized person.

Power to make  
regulations

9                   **32.** The Board may make Regulations-

10                  (a) to regulate the activities and programmes of the Institute, or any  
11 matter connected with the Institute; or

12                  (b) for the effective implementation of any of the provisions of this  
13 Act.

Limitation of  
suit against the  
Institute

14                  **33.**-(1) Subject to the provisions of this Act, the provisions of the  
15 Public Officers Protection Act shall apply to any suit instituted against the  
16 Institute, an officer of the Institute or employee of the Institute.

17                  (2) No suit shall lie or be instituted in any court against the Institute, a  
18 member of the Board or any principal officer or employee of the Institute for an  
19 action carried out in pursuance to the execution of this Act or any enactment, or  
20 of any public duty in respect of any alleged neglect or default in the execution  
21 of this Act or duty or authority, unless it is commenced-

22                  (a) within three months of such act, neglect or default complained  
23 thereof; or

24                  (b) in the case of a continuation of damage or injury, within six  
25 months after the ceasing of the act, neglect or default.

26                  (3) No suit shall be commenced against the Institute, a member of the  
27 Board or any principal officer or employee of the Institute before the expiration  
28 of a period of one month after written notice of the intention to commence the  
29 suit has been served on the Institute by the intending plaintiff or his agent.

30                  (4) The notice referred to in subsection (3) shall clearly state the-

- 1 (a) cause of action,  
2 (b) particulars of the claim,  
3 (c) the name and place of abode of the intending plaintiff; and  
4 (d) the relief sought.

5 **34.**-(1) Any notice or other document required or authorised to be Service of notice  
6 served on or given to any person for the purposes of this Act, may be served  
7 or given by-

8 (a) delivering it to that person, or by leaving it at his usual or last  
9 known place of residence or business or at the address specified by him in  
10 any notice, application or other document made, given or tendered to the  
11 Institute under this Act; or

12 (b) posting it by registered mail to him at that place of residence or  
13 business or at that address.

14 (2) Where any of such notice or other document sent by registered  
15 mail, unless the contrary is proved, it shall be deemed to have been delivered  
16 to him when it would have been delivered in the ordinary course of posting a  
17 mail unless the contrary is established and in proving the delivery, it shall be  
18 sufficient to prove that there is return post office slip showing actual  
19 delivery.

20 (3) Where for any purpose under this Act, a notice or document is  
21 required to be served on a firm or company, the notice or document may be  
22 served on the Secretary, Executive Officer, or other officer holding a similar  
23 position in the organisation and the service unless otherwise directed by the  
24 Institute, be deemed to be served on all persons who are members of the  
25 organization.

26 (4) Any Service of Notice or process on the Institute shall be by  
27 proven registered post or by personal service on any Principal Officer of the  
28 Institute.

29 **35.** The Minister of the Institute may give to the Institute, Power to give  
directives by the  
Minister  
30 directives of a general character relating to the policies and functions of the

	1	Institute and shall comply with such directives without prejudice to the power
	2	of the Board and oversight of the National Assembly.
Exemption from tax accruing from investment	3	<b>36.</b> -(1) The Institute shall be exempted from the payment of income
	4	tax in any income accruing from investment made by the Institute.
	5	(2) The provision of any enactment relating to the taxation of
	6	companies or trust funds shall not apply to the Institute.
Joint Venture targets for technology acquisition	7	<b>37.</b> The Institute shall impose conditions and set targets for the
	8	formation of joint ventures or partnerships between multinational services,
	9	Research Institute, Institution or service companies in all sector of the
	10	economy and certified indigenous services companies for the purpose of
	11	technological training and acquisition.
Research targets and development of research products	12	<b>38.</b> The Institute shall make regulations with requirement and targets
	13	for the growth of Research and Development in the areas of foods, non-food
	14	and agro- allied Raw Materials but not limited thereof as may be reviewed by
	15	the Institute; in particular Nigerian industry.
Interpretation	16	<b>39.</b> In this Act, unless the context otherwise requires-
	17	"Board" means the Governing body of the Institute established under section 3
	18	(1);
	19	"Chairman" means the Chairman of the Governing Board of the Institute
	20	appointed under section 14 (1);
	21	"Fund" means the fund of the Institute as established under section 25 of this
	22	Act;
	23	"Institute" means the Federal Institute of Industrial Research Oshodi (FIIRO)
	24	established under section 1 (1);
	25	"Minister" means Minister responsible for Science and Technology;
	26	"Member" means a member of the Board and this includes the Chairman;
	27	"President" means President of the Federal Republic of Nigeria;
	28	"Principal Officer" means the Directors and other officers as specified in
	29	section 16 of this Act;
	30	"Public Service" has the meaning assigned to it in the Constitution of the

1 Federal Republic of Nigeria, 1999;

2 "Secretary" means the Secretary to the Board of the Institute.

3 **40.** This Bill may be cited as the Federal Institute of Industrial Citation  
4 Research Bill, 2019.

5 SCHEDULE

6 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

7 *Proceedings of the Board*

8 1. Subject to this Act and section 42 of the Interpretation Act, the  
9 Board may make standing orders regulating its proceedings or those of any  
10 of its committees.

11 2. The quorum of the Board shall be the Chairman or person  
12 presiding the meeting and five other members of the Board and the quorum  
13 of any committee of the Board shall be as determined by the Board.

14 3. The Board shall meet not less than four times in each year and  
15 subject thereto, the Board shall meet whenever it is summoned by the  
16 Chairman or where the Chairman is required to do so by a notice given to  
17 him by not less than 4 other members, he shall summon a meeting of the  
18 Board to be held within 28 days from the date on which the notice is given.

19 4. At any meeting of the Board, the Chairman shall preside but if  
20 he is absent, the members present at the meeting shall appoint one of their  
21 members to preside at the meeting.

22 5. Where the Board desires to obtain the advice of any person on a  
23 particular matter, the Board may co-opt such person for such period as it  
24 deems fit, but a person who is in attendance by virtue of this sub-paragraph  
25 shall not be entitled to vote at any meeting of the Board and shall not count  
26 towards a quorum:

27 6. The Board may set up one or more committees to carry out, on  
28 behalf of the Board, such functions as the Board may determine.

29 7. A committee set up under this paragraph shall consist of such  
30 number of persons as may be determine by the Board. and a person shall

1 hold office on the committee in accordance with the term of his appointment.

2 8. A decision of a committee shall be of no effect until it is confirmed  
3 by the Board.

4 9. The validity of any proceedings of the Board or of a committee  
5 thereof shall not be affected by any vacancy in the membership of the Board or  
6 of a committee.

7 10. Any member of the Board or any person holding office on a  
8 committee of the Board, who has personal interest in any contract or  
9 arrangement shall disclose his interest to the Board and shall not vote on any  
10 matter relating to the contract or arrangement.

11 *Miscellaneous*

12 11. The fixing of the seal of the Board shall be authenticated by the  
13 signature of the Director-General/Chief Executive Officer or any person  
14 generally or specifically authorized by the Board to act for that purpose.

15 12. Any contract or instrument which, if made or executed by a  
16 person not being a body corporate, would not be required to be under seal, may  
17 be made or executed on behalf of the Board by the Director-General/CEO or  
18 any person generally or specifically authorized by the Board to act for that  
19 purpose.

20 13. Any document purporting to be a document duly executed under  
21 the seal of the Board shall be received in evidence and shall, unless and until the  
22 contrary is proved, be presumed to be so executed.

23 14. The validity of any proceeding of the Board or a committee shall  
24 not be affected by-

25 (a) a vacancy in the membership of the Board or committee;

26 (b) a defect in the appointment of a member of the board or  
27 committee; or

28 (c) reason that a person not entitled to do so took part in the  
29 proceedings of the Board or committee.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Institute of Industrial Research for the development of micro, small, medium and large industries, aimed at rapid industrialization and socio-economic development of Nigeria.





## TERRORISM (PREVENTION AND PROHIBITION) BILL, 2019

## ARRANGEMENT OF SECTIONS

*Section:*

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2. Prohibition of acts of terrorism

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4. Role of the National Security Adviser
5. Establishment, role, etc. of the National Counter-Terrorism Centre
6. Role of law enforcement and security agencies

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## NATIONAL COUNTER-TERRORISM CENTRE

7. Establishment, functions, staff, etc. of the National Counter-Terrorism Centre

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- 
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# A BILL

## FOR

AN ACT TO MAKE PROVISIONS FOR OFFENCES RELATING TO TERRORISM,  
PROHIBIT THE FINANCING OF TERRORISM AND CONSOLIDATE ALL ACTS  
RELATING TO TERRORISM; AND FOR RELATED MATTERS

*Sponsored by Hon. Mohammed Tahir Monguno*

[     ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

### PART I - OBJECTIVE AND PROHIBITION

1. The objective of this Act is to provide for:

Objective

(a) an effective, unified and comprehensive legal, regulatory and  
institutional framework for the detection, prevention, prohibition,  
prosecution and punishment of acts of terrorism and other related matters in  
Nigeria;

(b) measures under Nigerian law for the implementation and  
enforcement of Regional and International Counter Terrorism Conventions  
and Agreements for the combating of terrorism, terrorism financing and  
related offences;

(c) the procedure for the declaration of organisations as terrorist  
entities;

(d) extra territorial jurisdiction of the courts in relation to acts of  
terrorism;

(e) measures to enable Nigeria to act effectively in the fight against  
the financing of terrorism, including mechanisms regarding reporting of  
suspected incidents of financial and other support for terrorist entities;

(f) measures for the detention, freezing, search and seizure,  
confiscation and forfeiture of terrorist property; and

(g) the compensation of victims of acts of terrorism.

Prohibition of  
acts of terrorism

1                   2.-(1) All acts of terrorism and the financing of terrorism are  
2 prohibited.

3                   (2) A person or body corporate who knowingly, in or outside Nigeria,  
4 directly or indirectly:

5                   (a) does, attempts or threatens to do any act of terrorism;

6                   (b) commits an act preparatory to or in furtherance of an act of  
7 terrorism;

8                   (c) omits to do anything that is reasonably necessary to prevent an act  
9 of terrorism;

10                  (d) assists or facilitates the activities of persons engaged in an act of  
11 terrorism;

12                  (e) participates as an accomplice in or contributes to the commission  
13 of an act of terrorism or offences under this Act;

14                  (f) assists, facilitates, organises or directs the activities of persons or  
15 organisations engaged in any act of terrorism or is an accessory to any offence  
16 under this Act;

17                  (g) incites, induces any person by any means whatsoever or promises  
18 any person any reward; to commit any act of terrorism or any of the offences  
19 referred to in this Act; or

20                  (h) recruits for terrorists groups for any purpose, including the  
21 commission of acts of terrorism, commits an offence and is liable on conviction  
22 to the punishment prescribed under this Act.

23                  (3) In this Act, "act of terrorism" means an act willfully performed  
24 with the intention of furthering a political, an ideological, a religious, racial or  
25 an ethnic cause and which:

26                  (a) may seriously harm or damage a country or an international  
27 organisation;

28                  (b) unduly compels a government or an international organisation to  
29 perform or abstain from performing any act;

30                  (c) seriously intimidates a population;

- 1 (d) seriously destabilises or destroys the fundamental political,  
2 constitutional, economic or social structures of a country or an international  
3 organisation;
- 4 (e) influences a government or an international organisation by  
5 intimidation or coercion;
- 6 (f) violates the provisions of any International Treaty or Resolution  
7 to which Nigeria is a party subject to the provisions of section 12 of the  
8 Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- 9 (g) involves or causes, as the case may be:
- 10 (i) an attack upon a person's life which may cause serious bodily  
11 harm or death,
- 12 (ii) the kidnapping of a person,
- 13 (iii) the destruction to a Government or public facility, a transport  
14 system, an infrastructural facility, including national critical information  
15 infrastructure, a fixed platform located on the continental shelf, a public  
16 place or private property, likely to endanger human life or result in major  
17 economic loss,
- 18 (iv) the seizure of an aircraft, ship or other means of public or goods  
19 transport and diversion or the use of such means of transportation for the  
20 purposes of sub-paragraph (b) (iii) of this subsection,
- 21 (v) the manufacture, possession, acquisition, transportation,  
22 transfer, supply or use of weapons, including explosives or biological,  
23 chemical, radiological or nuclear weapons (in this Act referred to as "BCRN  
24 weapons") as well as research into and development of BCRN weapons  
25 without lawful authority, and the receipt, possession, use, transfer,  
26 alteration, disposal or dispersal of nuclear or other radioactive material or  
27 devices,
- 28 (vi) the release of dangerous substance or causing of fire,  
29 explosions or floods, the effect of which is to endanger human life,
- 30 (vii) interference with or disruption of the supply of water, power

1 or any other fundamental natural resource, the effect of which is to endanger  
2 human life,

3 (viii) the release into the environment or any part thereof or  
4 distributing or exposing the public or any part to dangerous, hazardous, nuclear  
5 or other radioactive or harmful substance, any toxic chemical, any microbial or  
6 other biological agent or toxin, the effect of which is to endanger human life or  
7 to provoke substantial damage to property or to the environment,

8 (ix) the endangering of or engaging in acts likely to endanger the  
9 safety of an aircraft, ship, train or any other means of transportation,

10 (x) the bombing and other acts of violence at airports and other public  
11 places,

12 (xi) the disruption of any computer system or the provision of services  
13 directly related to the supply of water, power, communications, infrastructure,  
14 banking or financial services, utilities, transportation, other essential  
15 infrastructure or any other fundamental natural resources, the effect of which is  
16 to endanger human life,

17 (xii) the disruption of the provision of essential emergency services,  
18 including police, civil defence, medical and acts prejudicial to national security  
19 or public safety,

20 (xiii) the propagation and dissemination of information or  
21 information materials in any form or mode calculated to cause panic, evoke  
22 violence or intimidate a government, person or group of persons, or

23 (xiv) an act directed against a nuclear facility, or an act interfering  
24 with the operation of a nuclear facility, where the offender intentionally causes,  
25 or where he knows that the act is likely to cause, death or serious injury to a  
26 person or substantial damage to property or to the environment by exposure to  
27 radiation or release of radioactive substance, unless the act is undertaken in  
28 conformity with the provisions of existing laws.

29 (4) An act which disrupts a service but is committed in pursuance of a  
30 protest, demonstration or stoppage of work is not a terrorist act within the



1 meaning of this definition, provided that the act is not intended to result in  
2 any harm referred to in subsection (3) (b), ( c), (d), ( e), (f) or (g), of this  
3 section.

4 PART II - NATIONAL CO-ORDINATION AND ENFORCEMENT

5 3.-(1) The Attorney-General of the Federation is the authority for Role of the  
6 the effective implementation and administration of this Act. Attorney-General

7 (2) The Attorney-General shall be responsible for strengthening  
8 and enhancing the existing legal framework on combating terrorism and  
9 terrorism financing to ensure:

10 (a) conformity of Nigeria's counter - terrorism laws, policies and  
11 other measures with United Nations Conventions on Terrorism and  
12 terrorism financing, international standards and maintain international co-  
13 operation required for preventing and combating international acts of  
14 terrorism; and

15 (a) the prosecution of terrorism and terrorism financing offences,  
16 and other offences under this Act.

17 4.-(1) The National Security Adviser shall:

18 (a) formulate policies for the effective implementation of Role of the  
19 concerted counter-terrorism efforts; National Security

20 (b) ensure the effective formulation and implementation of a  
21 comprehensive counter-terrorism strategy in Nigeria;

22 (c) provide support to all relevant security, intelligence, law  
23 enforcement agencies and military services to prevent and combat acts of  
24 terrorism in Nigeria;

25 (d) build capacity for the effective discharge of his functions under  
26 any law or regulation;

27 (e) subject to the approval of the President, establish a National  
28 Counter Terrorism Centre for effective coordination of relevant agencies  
29 under this Act; and

30 (f) carry out such other functions that the President may deem

	1	necessary for the effective implementation of counter-terrorism measures
	2	under this Act.
Role of the National Counter- Terrorism Centre	3	<b>5.</b> The National Counter-Terrorism Centre established under section
	4	70f this Act shall be:
	5	(a) the coordinating body for counter-terrorism in Nigeria; and
	6	(b) responsible for the coordination of Counter-Terrorism policies,
	7	strategies, plans and support in the discharge of the functions of the National
	8	Security Adviser specified in section 4 of this Act.
Role of law enforcement and security agencies	9	<b>6.-(1)</b> The law enforcement and security agencies are responsible for
	10	the gathering of intelligence and for the investigation of the offences provided
	11	for under this Act.
	12	(2) Further to subsection (1) of this section, the law enforcement and
	13	security agencies have power to:
	14	(a) enforce all laws and regulations on counter - terrorism in Nigeria;
	15	(b) adopt measures to prevent and combat acts of terrorism in Nigeria;
	16	(c) facilitate the detection and investigation of acts of terrorism in
	17	Nigeria;
	18	(d) establish, maintain and secure communications, both domestic
	19	and international, to facilitate the rapid exchange of information concerning
	20	acts of terrorism;
	21	(e) conduct research with the aim of improving preventive measures
	22	to efficiently and effectively combat terrorism in Nigeria; and
	23	(f) partner with Civil Society Organisations and the Nigerian public to
	24	provide necessary education, support, information, awareness and
	25	sensitisation towards the prevention and elimination of acts of terrorism.
	26	(3) Subject to the provisions of this Act, the law enforcement agencies
	27	have power to:
	28	(a) investigate whether any person or entity has directly or indirectly
	29	committed an act of terrorism, is about to commit an act of terrorism or has
	30	been involved in an act of terrorism under this Act or under any other law;

1 (b) execute search warrants authorising its officers or any other law  
2 enforcement officer to enter into any premises, property or conveyance for  
3 the purpose of conducting searches in furtherance of its functions under this  
4 Act or any other law;

5 (c) investigate, arrest and provide evidence for the prosecution of  
6 offenders under this Act or any other law on terrorism applicable in Nigeria;

7 (d) seize, freeze or maintain custody over terrorist property or  
8 funds for the purpose of investigation, prosecution or recovery of any  
9 property or fund which the relevant agency in charge of the matter  
10 reasonably believes to have been involved in or used in the perpetration of  
11 terrorist activities in Nigeria or outside Nigeria;

12 (e) seal up premises on reasonable suspicion that the premises is  
13 involved with or is being used in connection with acts of terrorism;

14 (f) adopt measures to identify, trace, freeze, seize terrorist  
15 properties as required by law and seek for the confiscation of proceeds  
16 derived from terrorist activities whether situated within or outside Nigeria;

17 (g) in consultation with the Attorney-General and with the  
18 approval of the National Security Adviser, enter into co-operation  
19 agreements, Memorandum of Understanding or arrangements with any  
20 national or international body, other intelligence, enforcement or security  
21 agencies or organisations which in its opinion will facilitate the discharge of  
22 its functions under this Act;

23 (h) request, demand or obtain from any person, agency or  
24 organisation, information, including any report or data, that may be relevant  
25 to its functions under this Act; and

26 (i) appoint experts or professionals, where necessary, to execute,  
27 on its behalf, the powers required in furtherance of its functions under this  
28 Act.

29 (4) The relevant law enforcement and security agencies may  
30 initiate, develop or improve on, specific training programmes for their

1 officers charged with the responsibilities for the detection, prevention,  
2 prohibition, investigation, elimination and prosecution of terrorism activities  
3 in Nigeria.

4 (5) In order to strengthen inter-agency cooperation and coordination,  
5 improve synergy, joint working and effective multi-agency operability, the  
6 National Security Adviser shall work with relevant agencies under this Act to  
7 develop Standard Operating Procedures and instruments.

8 PART III - ESTABLISHMENT, FUNCTIONS, STAFF, ETC. OF THE  
9 NATIONAL COUNTER-TERRORISM CENTRE

Establishment,  
functions, staff,  
etc. of the National  
Counter-Terrorism  
Centre

10 7.-(1) There is established, in the office of the National Security  
11 Adviser, a National Counter-Terrorism Centre (in this Act referred to as "the  
12 Centre") which shall perform the roles set out in section 5 of this Act.

13 (2) Without prejudice to the primary roles of the relevant agencies  
14 under this Act, the Centre shall:

15 (a) establish a Joint Terrorism and Analysis Branch, which shall be a  
16 fusion centre responsible for terrorism research, analysis and intelligence  
17 support to law enforcement and security agencies;

18 (b) establish a legal team, which shall:

19 (i) consist of experienced and competent prosecutors to review and  
20 advise on counter terrorism cases from law enforcement and security agencies,  
21 and

22 (ii) review existing processes to ensure that counter-terrorism efforts  
23 and activities comply with rules of armed conflict.

24 (c) coordinate the implementation of a national policy and action plan  
25 on preventing and countering violent extremism programmes;

26 (d) conduct public awareness on prevention and countering violent  
27 extremism and terrorism;

28 (e) facilitate capacity building for counter-terrorism operations;

29 (f) partner with civil society and international organisations in  
30 preventing and countering violent extremism and terrorism;

1 (g) collaborate with centres, institutions and universities on  
2 terrorism related studies and research; and

3 (h) ensure that relevant agencies under this Act have access to  
4 relevant and timely intelligence and analysis for the effective discharge of  
5 their responsibilities.

6 (3) The President shall, on the advice of the National Security  
7 Adviser, appoint a National Coordinator for the Centre.

8 (4) The National Coordinator shall:

9 (a) hold office on such terms and conditions as are specified in his  
10 letter of appointment;

11 (b) report to the National Security Adviser;

12 (c) be responsible for the day-to-day administration and  
13 implementation of the functions of the Centre;

14 (d) determine the number and level of staff to be deployed or  
15 seconded to the Centre from the public service of the Federation; and

16 (e) perform such other functions connected to with the  
17 responsibilities of the Centre as the National Security Adviser, may assign to  
18 him, from time to time.

19 (5) The other employees of the Centre specified under subsection  
20 (4)(d) of this section shall be deployed or seconded to the Centre for a period  
21 not less than three years.

22 (6) The Centre shall be responsible for the formulation of the job  
23 description, title, terms, conditions, qualifications and salaries, including  
24 the allowances of its employees, subject to the approval of the .National  
25 Security Adviser, after consultation with the President.

26 (7) The National Security Adviser shall ensure that adequate  
27 funding is provided for the Centre to enable perform its functions effectively  
28 and efficiently.

	1	PART IV - OFFENCES AND PENALTIES
Offences against internationally protected persons	2	<b>8.-(1)</b> A person who:
	3	(a) murders, kidnaps or commits other attacks on the person or liberty
	4	of an internationally protected person;
	5	(b) carries out a violent attack on the official premises, private
	6	accommodation or means of transport of an internationally protected person in
	7	a manner likely to endanger his person or liberty; or
	8	(c) threatens to commit any such attack, commits an offence under
	9	this Act.
	10	(2) A person who commits an offence under subsection (1) of this
	11	section is liable on conviction, when death-
	12	(a) does not result from the act, to a term of imprisonment of not less
	13	than twenty-five years; and
	14	(b) results from the act, to a death sentence, but in the case of the
	15	offence under subsection (1) (c) of this section, the court may sentence the
	16	person to; term of imprisonment of not more than fifteen years.
Terrorist meetings	17	<b>9.</b> A person who:
	18	(a) arranges, manages, assists in arranging or managing, participates
	19	in a meeting or an activity, to which in his knowledge is concerned or connected
	20	with an act of terrorism or terrorist group;
	21	(b) collects, or provides logistics, equipment, information, articles or
	22	facilities for a meeting or an activity, which in his knowledge is concerned or
	23	connected with an act of terrorism or terrorist group; or
	24	(c) attends a meeting, which in his knowledge is to support a
	25	proscribed entity or to further the objectives of a proscribed organization,
	26	commits an offence under this Act and is liable on conviction to imprisonment
	27	for a term of not less than twenty years.
Soliciting and giving support to terrorist groups for the commission of acts of terrorism	28	<b>10.-(1)</b> A person who knowingly, in any manner, directly or indirectly,
	29	solicits or renders support:
	30	(a) for the commission of an act of terrorism; or

1 (b) to a terrorist group, commits an offence under this Act and is  
2 liable on conviction to life imprisonment.

3 (2) For the purposes of subsection (1) of this section, "support"  
4 includes:

5 (a) incitement to commit an act of terrorism through the internet, or  
6 any electronic means or through the use of printed materials or through the  
7 dissemination of terrorist information;

8 (b) receiving or providing material assistance, training,  
9 transportation, false documentation or identification to terrorists or terrorist  
10 groups;

11 (c) receiving or providing information or moral assistance to a  
12 terrorist act or terrorist group, including invitation to adhere to a terrorist or  
13 terrorist group;

14 (d) entering or remaining in a country for the benefit of, or at the  
15 direction of or in association with a terrorist group; and

16 (e) providing or making available, such financial or other related  
17 services prohibited under this Act or as may be prescribed by regulations  
18 made pursuant to this Act.

19 (3) In this section, it shall not be necessary to prove that the  
20 material, information, facilities or financial assistance was actually used if it  
21 can be reasonably established that the person collected on behalf of or  
22 provided the material, information, facilities or financial assistance to a  
23 terrorist or terrorist groups.

24 **11.** A person, who knowingly harbours, conceals or causes to be  
25 harboured or concealed, hinders or interferes with the arrest of a person who  
26 to his knowledge:

Harboring terrorists  
or hindering the  
arrest of a terrorist

27 (a) has committed or about to commit an act of terrorism;

28 (b) is planning to commit an act of terrorism;

29 (c) is a member of a terrorist group;

provision of  
training and  
instruction to  
terrorist groups  
or terrorists

Concealing of  
information  
about acts of  
terrorism

1 (d) has been convicted of an act of terrorism but escaped from  
2 punishment; or

3 (e) a warrant of arrest had been issued, commits an offence under this  
4 Act and is liable on conviction to imprisonment for a term of not less than  
5 twenty years.

6 **12.** A person who, knowingly agrees to provide or receives training,  
7 training material or instructions:

8 (a) in the making or use of any form of explosive or other lethal  
9 devices;

10 (b) in carrying out an act of terrorism, to a member of a terrorist group;

11 (c) to a person engaging in or preparing to engage in the commission  
12 of an act of terrorism; or

13 (d) in the practice of a military exercise or movements but who is not  
14 an authorized officer acting in the performance of an official duty, commits an  
15 offence under this Act and is liable on conviction to life imprisonment.

16 **13.-(1)** Subject to the provisions of subsections (2) and (3) of this  
17 section, where a person has information which he knows or believes to be of  
18 material assistance in:

19 (a) preventing the commission by any person or an organization of an  
20 act of terrorism; or

21 (b) securing the apprehension, prosecution or conviction of another  
22 person for an offence under this Act, and fails to disclose the information to the  
23 relevant agency in charge of the matter as soon as reasonably practicable,  
24 commits an offence under this Act and is liable on conviction to imprisonment  
25 for a term of not less than ten years.

26 (2) Subsection (1) of this section does not require disclosure by a legal  
27 practitioner of any information, belief or suspicion based on any information,  
28 which he obtained in privileged circumstances.

29 (3) For the purpose of subsection (2) of this section, information is  
30 obtained by a legal practitioner in privileged circumstances where it is



1 disclosed to him by:

2 (a) his client in connection with the provisions of legal advice, not  
3 being a disclosure with a view to furthering a criminal purpose or concealing  
4 a crime; or

5 (b) any person for the purpose of actual or contemplated legal  
6 proceeding and not with a view to furthering a criminal purpose or  
7 concealing a crime.

8 **14.** A person who knowingly offers to provide, or provides any  
9 weapon, explosive, biological, chemical, nuclear or other lethal device to a  
10 terrorist group, a terrorist or any other person for use by, or for the benefit of,  
11 a terrorist group or a member of a terrorist group, commits an offence and is  
12 liable on conviction to imprisonment for a term of not less than twenty years  
13 up to a maximum of life imprisonment

Provision of  
devices to a  
terrorist

14 **15.** A person who knowingly agrees to recruit, or recruits another  
15 person to be a member of a terrorist group or participate in the commission  
16 of an act of terrorism commits an offence under this Act and is liable on  
17 conviction to imprisonment for a term of not less than twenty years.

Recruitment of  
persons to be  
members of  
terrorist groups  
or to participate  
in acts of terrorism

18 **16.** A person, who knowingly solicits property for the benefit of a  
19 terrorist group or for the commission of an act of terrorism commits an  
20 offence under this Act and is liable on conviction to imprisonment for a term  
21 of not less than twenty years.

Promotion or  
solicitation of  
property for the  
commission of  
terrorist acts

22 **17.** A person who being:

23 (a) the owner, occupier, lessee or person in charge of any building,  
24 premises, room, or place knowingly permits a terrorist meeting to be held in  
25 that building, premises, room or place;

Provision of  
facilities in support  
of terrorist acts

26 (b) the owner, charterer, lessee, operator, agent of a conveyance or  
27 master of a vessel, or the pilot in charge of an aircraft; or driver of any other  
28 means of conveyance who knowingly permits that vessel, aircraft or other  
29 means of conveyance to be used for acts of terrorism; or

30 (c) the owner, lessee or person in charge of any equipment, facility

Financing of  
terrorism

1 or device that allows for recording, conferencing or meetings through the use  
2 of technological devices; knowingly permits that equipment, facility or device  
3 to be used for purposes of committing an offence under this Act or for planning,  
4 promoting or supporting the commission of an act of terrorism, commits an  
5 offence under this Act and is liable on conviction to imprisonment for a term of  
6 not less than twenty years.

7 **18.**-(1) A person or entity who, within or outside Nigeria, in any  
8 manner, directly or indirectly, willingly provides, solicits, acquires, collects,  
9 receives, possesses or makes available property, funds or other services, or  
10 attempts to provide, solicit, acquire, collect, receive, possess or make available  
11 property, funds or other services with the intention or knowledge or having  
12 reasonable grounds to believe that it will be used, in full or in part to:

13 (a) finance a terrorist or terrorist group;

14 (b) commit an offence under this Act or an offence specified in any  
15 relevant law or enactment referred to under this Act; or

16 (c) do any other act intended to cause death or serious bodily injury to  
17 a civilian or any other person not taking active part in the hostilities in a  
18 situation of armed conflict, when the purpose of that act, by its nature or  
19 context, is to intimidate a group of people or to compel a government or an  
20 international organization to do or abstain from doing any act, commits an  
21 offence under this Act.

22 (2) A person who commits an offence under subsection (1) of this  
23 section is liable on conviction to life imprisonment and in the case of a body  
24 corporate:

25 (a) to a fine of not less than two hundred million Naira;

26 (b) the prosecution of the principal officers of the body corporate who  
27 shall on conviction be liable to imprisonment for a term of not less than twenty  
28 years to a maximum of life imprisonment; and

29 (c) the winding up of the body corporate and prohibition from its  
30 reconstitution or incorporation under any form or guise.

1 (3) A person who knowingly enters into, or becomes involved in an  
2 arrangement:

3 (a) which facilitates the acquisition, retention or control by or on  
4 behalf of another person of terrorist fund by concealment, removal out of  
5 jurisdiction, transfer to a nominee or in any other way; or

6 (b) as a result of which funds or other property is to be made  
7 available for the purposes of terrorism or for the benefit of a specified entity  
8 or proscribed organization, commits an offence under this Act.

9 (4) A person who commits an offence under subsection (3) of this  
10 section is liable on conviction to imprisonment for a term of not less than  
11 twenty years and in the case of a body corporate:

12 (a) to a fine of not less than one hundred million Naira;

13 (b) the prosecution of the principal officers of the corporate body  
14 who shall on conviction be liable to imprisonment for a term of not less than  
15 twenty years; and

16 (c) the winding up of the corporate body and prohibition from its  
17 reconstitution or incorporation under any form or guise.

18 (5) An offence under this section shall apply, regardless of whether  
19 the person alleged to have committed the offence is in the same country or a  
20 different country from the one in which:

21 (a) the terrorist, terrorist group or proscribed entity is located; or

22 (b) the terrorist act occurred or is planned to occur.

23 (6) In proving the offence of terrorism financing, it shall not be  
24 required that the funds:

25 (a) were actually used to carry out an act of terrorism;

26 (b) were used to attempt an act of terrorism; or

27 (c) be linked to a specific act of terrorism.

28 (7) For the purpose of this section, intention may be inferred from  
29 objective factual circumstances.

Dealing in  
terrorist property

- 1                   **19.-(1)** A person or an entity who, knowingly:  
2                   (a) deals, directly or indirectly, in any terrorist funds or property;  
3                   (b) acquires or possesses terrorist funds or property;  
4                   (c) enters into, or facilitates, directly or indirectly, any transaction in  
5                   respect of a terrorist funds or property;  
6                   (d) converts, conceals, or disguises terrorist funds or property; or  
7                   (e) provides financial or other services in respect of terrorist fund or  
8                   property at the direction of a terrorist or terrorist group, commits an offence  
9                   under this Act and is liable on conviction to life imprisonment.  
10                  **(2)** In this section, the word 'knowingly' referred to in subsection (1)  
11                  of this section may be inferred from the objective factual circumstances of the  
12                  case.

Hostage taking,  
kidnapping,  
hijacking, etc.

- 13                  **20.-(1)** A person who knowingly:  
14                  (a) seizes, detains or attempts to seize or detain any person property or  
15                  facility in order to compel a third party to do or abstain from doing any act;  
16                  (b) threatens to kill, injure or continue to detain a person in order to  
17                  compel a third party to do or abstain from doing any act; or  
18                  (c) gives an explicit or implicit condition for the release of the person  
19                  held hostage or the property or facility detained, commits an offence under this  
20                  Act.  
21                  **(2)** A person who commits an offence under subsection (1) of this  
22                  section is liable on conviction, when death:  
23                  (a) does not result from the act, to life imprisonment; and  
24                  (b) results from the act, to a death sentence.  
25                  **(3)** In this section:  
26                  (a) a "third party" means a State, an international governmental  
27                  organisation, a natural or legal person or a group of persons; and  
28                  (b) the word 'knowingly' referred to in subsection (1) of this section  
29                  may be inferred from the objective factual circumstances of the case.

1                   **21.**-(1) A person who is a member or professes to be a member of a      Membership of  
2      terrorist group or a proscribed entity, in or outside Nigeria, commits an      a terrorist group  
3      offence and is liable on conviction to imprisonment for a term of not less      or proscribed  
4      than twenty years.      entity

5                   (2) It is a defence for a person charged with an offence under this  
6      section to prove that the entity in respect of which the charge is brought was  
7      not a terrorist group or a proscribed entity at the time that he:

- 8                   (a) became a member of that group or entity;  
9                   (b) professed to be a member of that group or entity; or  
10                  (c) has not taken part in the activities of that group or entity, after it  
11      became a terrorist group or proscribed entity

12                  (3) A person who belongs or professes to belong to a proscribed  
13      entity in or outside Nigeria, commits an offence under this Act and is liable  
14      on conviction to life imprisonment.

15                  (4) A person charged with an offence under subsection (3) of this  
16      section may prove that the entity had not been designated to be a proscribed  
17      entity at the time the person charged became or began to profess to be a  
18      member of the entity and that he has not taken part in the activities of the  
19      organisation at any time after it has been designated to be a proscribed entity.

20                  **22.**-(1) A person who conspires with another to commit an offence      Conspiracy, aiding  
21      under this Act in Nigeria, or to commit an act of terrorism in any place      and abetting  
22      outside Nigeria being an act, which if done in Nigeria would have  
23      constituted an offence under this Act is deemed to have conspired to do that  
24      act in Nigeria and is liable on conviction to the same punishment as provided  
25      under this Act for the offence to which the conspiracy relates.

- 26                  (2) A person who knowingly, directly or indirectly-  
27                  (a) aids and abets;  
28                  (b) induces, instigates, instructs; or  
29                  (c) counsels or procures another person by any means whatsoever  
30      to commit an act of terrorism,

1 commits an offence.

2 (3) A person who commits an offence under subsection (1) of this  
3 section is liable on conviction, where:

4 (a) the offence is committed, to the same punishment as provided  
5 under this Act for the offence to which the offence relates; and

6 (b) the offence is not committed, to imprisonment for a term of not  
7 less than five years and not more than that provided for the full offence under  
8 this Act.

Escape or aiding  
and abetting  
escape

9 **23.** A person who:

10 (a) being in lawful custody for act of terrorism, escapes; or

11 (b) aids, facilitates or abets the escape of a person who is:

12 (i) in lawful custody of the relevant agency in charge of the matter for  
13 an act of terrorism, or

14 (ii) suspected to have committed an offence under any of the  
15 provisions of this Act, commits an offence under this Act and is liable on  
16 conviction to imprisonment for a term of not less than twenty years.

Attempt to  
commit an offence

17 **24.-(1)** A person who attempts to commit an offence under this Act is  
18 liable on conviction to the same punishment as provided under this Act for the  
19 offence to which the attempt relates.

20 (2) Where a person is charged with any of the offences under this Act  
21 and the evidence establishes an attempt to commit that offence, he may be  
22 convicted of having attempted to commit the offence and is liable on  
23 conviction to the same punishment as provided under this Act for the offence to  
24 which the attempt relates.

25 (3) Where a person is charged with an attempt to commit an offence  
26 under this Act, but the evidence establishes the commission of the full offence,  
27 the person shall not be acquitted but shall be convicted for the commission of  
28 the offence and is liable on conviction to the same punishment as provided  
29 under this Act for the offence to which the attempt relates.

1	<b>25.</b> A person who engages in any conduct in preparation to commit	Preparation to commit acts of terrorism
2	an act of terrorism or assists another person to commit an act of terrorism	
3	commits an offence under this Act and is liable on conviction to	
4	imprisonment for a term of twenty year.	
5	<b>26.</b> A person who, with intent to deceive, unlawfully assumes the	Unlawful assumption of character of an officer of a relevant agency
6	name, character or designation of an officer of a relevant agency in order to	
7	perpetrate acts of terrorism commits an offence under this Act and is liable	
8	on conviction to imprisonment for a term of not less than seven years.	
9	<b>27.</b> In any case of terrorism under this Act, a person who tampers	Tampering with evidence or witness
10	with:	
11	(a) a witness by intimidation, threats, blackmail or similar acts, or	
12	(b) an evidence or exhibit, by falsification, conversion, destruction	
13	or forgery, commits an offence and is liable on conviction to imprisonment	
14	for a term of not less than five years.	
15	<b>28.-(1)</b> A person who:	Obstruction of an authorised officer of a relevant agency
16	(a) wilfully obstructs an authorised officer of a relevant agency in	
17	the exercise of any of the powers conferred on it by this Act; or	
18	(b) fails to comply with any lawful enquiry, request or information,	
19	wherever located, made by any authorised officer in accordance with the	
20	provisions of this Act, commits an offence and is liable on conviction to	
21	imprisonment for a term of not less than five years.	
22	(2) A person who:	
23	(a) refuses an authorised officer of a relevant agency access to any	
24	premises, or fails to submit to a search by a person authorised to search him	
25	under this Act;	
26	(b) assaults or obstructs an authorised officer of a relevant agency	
27	in the execution of his duty under this Act; or	
28	(c) fails to produce or conceals or attempts to conceal from an	
29	authorised officer of a relevant agency, any book, document, information	
30	storage system or article in relation to which the officer has reasonable	

1 grounds for suspecting or believing that an offence under this Act or any other  
2 law prohibiting terrorism has been or is being committed, or which is liable to  
3 seizure under this Act, commits an offence and is liable on conviction to  
4 imprisonment for a term of not less than five years.

5 (3) A person who:

6 (a) discloses to another anything which is likely to prejudice a  
7 terrorist investigation; or

8 (b) interferes with material which is likely to undermine a terrorist  
9 investigation, or likely to be relevant to a terrorist investigation, commits an  
10 offence under this Act and is liable on conviction to imprisonment for a term of  
11 not less than five years.

12 (4) It is a defence for a person charged with an offence under  
13 subsection (3) of this section to prove that he did not know and had no  
14 reasonable cause to suspect that the disclosure was likely to affect a terrorist  
15 investigation.

Offences by an  
entity

16 **29.**-(1) Where an offence under this Act committed by an entity is  
17 proved to have been committed on the instigation or with the connivance of, or  
18 is attributable to any neglect on the part of a director, manager, secretary of the  
19 entity or any person purporting to act in any of those capacities, the officer is  
20 liable on conviction to the same punishment as provided under this Act for the  
21 offence.

22 (2) Where an entity is convicted of an offence under this Act, it shall  
23 be liable to the forfeiture of any assets, funds or property used or intended to be  
24 used in the commission of the offence and the court may issue an order to wind-  
25 up the entity or withdraw the practice licence of the entity and those of its  
26 principal officers or both.

27 (3) Where the court orders the entity to be wound up, its assets and  
28 properties shall be transferred to any fund or Agency established under any law  
29 for the recovery of proceeds of crime; and the entity shall be prohibited from  
30 reconstitution or incorporation under any other form or guise.



1 (4) Nothing contained in subsections (1) and (2) of this section  
2 shall render any person liable to punishment if he proves that the offence was  
3 committed without his knowledge or that he exercised all due diligence to  
4 prevent the commission of the offence.

5 PART V - OFFENCES RELATING TO CIVIL AVIATION, SAFETY OF SHIPS  
6 AND FIXED PLATFORMS

7 **30.** A person who, on board an aircraft in flight seizes or exercises  
8 control of that aircraft by force, threat or any other form of intimidation,  
9 commits an offence under this Act and is liable on conviction to life  
10 imprisonment.

Hijacking of  
aircraft

11 **31.-(1)** A person who:

Offences against  
the safety of civil  
aviation

12 (a) commits an act of violence against a person on board an aircraft  
13 in flight, if that act is likely to endanger the safety of that aircraft;

14 (b) destroys an aircraft in service, or causes damage to an aircraft  
15 which renders it incapable of flight or which is likely to endanger its safety  
16 in flight;

17 (c) places or causes to be placed on an aircraft in service, by any  
18 means whatsoever, a device or a substance which is likely to destroy that  
19 aircraft, or cause damage to it which renders it incapable of flight, or cause  
20 damage which is likely to endanger its safety in flight;

21 (d) destroys or damages air navigation facilities or interfering with  
22 their operation, if the act is likely to endanger the safety of the aircraft in  
23 flight; or

24 (e) communicates information which the person knows to be false,  
25 thereby endangering the safety of the aircraft in flight, commits an offence  
26 under this Act and is liable on conviction to imprisonment for a term of not  
27 less than twenty years.

28 (2) A person who threatens, with the aim of compelling the State or  
29 a person to do or refrain from doing any act, to commit an offence provided  
30 for under subsection (1)(a), (1)(b), or (1)(d) of this section, where the threat is

Offences against  
safety at airports  
serving military  
or civil aviation

1 likely to endanger the safety of the aircraft, commits an offence under this Act  
2 and is liable on conviction to imprisonment for a term of not less than twenty  
3 years.

4 **32.-(1)** A person who:

5 (a) commits an act of violence against a person at an airport serving  
6 military or civil aviation which causes or is likely to cause serious injury or  
7 death; or

8 (b) destroys or seriously damages the facilities of an airport serving  
9 military or civil aviation or aircraft not in service located on the facilities or  
10 disrupting the services of the airport, using any device, substance or weapon,  
11 where such acts are likely to endanger the safety at an airport serving military  
12 or civil aviation; commits an offence under this Act and is liable on conviction  
13 to imprisonment for a term of not less than twenty years.

14 (2) A person who threatens with the aim of compelling the State or a  
15 person to do or refrain from doing any act, to commit any of the offences  
16 provided for in subsection (1) of this section, if the threat is likely to endanger  
17 the safety at an airport serving military or civil aviation, commits an offence  
18 under this Act and is liable on conviction to imprisonment for a term of not less  
19 than ten years.

Offences against  
the safety of  
ships or fixed  
platform

20 **33.-(1)** A person who:

21 (a) seizes or exercises control of a ship or a fixed platform by force,  
22 threat or any other form of intimidation;

23 (b) commits an act of violence against a person on board a ship or a  
24 fixed platform, if that act is likely to endanger the safety of the ship or fixed  
25 platform;

26 (c) destroys a ship or causes damage to a ship or its cargo;

27 (d) places or causes to be placed on a ship, by any means whatsoever, a  
28 device or substance likely to destroy or cause damage to the ship or its cargo;

29 (e) destroys a fixed platform or causes damage to it which is likely to  
30 endanger its safety, or places or causes to be placed on a fixed platform, by any

1 means whatsoever, a device or substance likely to destroy that fixed  
2 platform or to endanger its safety;

3 (f) destroys or damages maritime navigational facilities or  
4 interferes with their operation, if that act is likely to endanger the safe  
5 navigation of a ship;

6 (g) communicates information which that person knows to be  
7 false, thereby endangering the safe navigation of a ship; or

8 (h) injures any person in connection with the commission of any of  
9 the offences provided for in paragraphs (a) to (g) of this subsection, commits  
10 an offence under this Act and is liable on conviction to imprisonment for a  
11 term of not less than twenty years.

12 (2) Where death results from any of the offences provided for in  
13 subsection (1) of this section, the person on conviction be sentenced to  
14 death.

15 (3) A person who threatens, with the aim of compelling the State or  
16 a person to do or refrain from doing any act, to commit any of the offences  
17 provided for in subsection (1) (b), (c), (e) and (f) of this section, if the threat  
18 is likely to endanger the safe navigation of a ship or the safety of the fixed  
19 platform, commits an offence under this Act and is liable on conviction to  
20 imprisonment for a term of not less than ten years.

21 **34.-(1)** A person who:

22 (a) uses against or on a ship or a fixed platform, or discharges from  
23 a ship or a fixed platform any explosive, radioactive material or BCRN  
24 weapon in a manner that causes or is likely to cause death or serious injury or  
25 damage;

26 (b) discharges, from a ship or fixed platform, oil, liquefied natural  
27 gas or other hazardous or noxious substance, which is not covered by  
28 paragraph (a) of this subsection, in such quantity or concentration that  
29 causes or is likely to cause death or serious injury or damage; or

30 (c) uses a ship in a manner that causes death or serious injury or

Use and discharge  
of BCRN weapons  
and other substances  
from a ship or fixed  
platform

Transportation  
of BCRN weapons  
or other dangerous  
substances on  
board a ship

1 damage, where the purpose of the act, by its nature or context, is to intimidate a  
2 population, or to compel a government or an international organisation to do or  
3 to abstain from doing any act; commits an offence under this Act and is liable  
4 on conviction to imprisonment for a term of not less than twenty years.

5 (2) A person who threatens to commit any of the acts provided under  
6 subsection (1) of this section, commits an offence under this Act and is liable on  
7 conviction to imprisonment for a term of not less than twenty years.

8 **35.-(1)** A person who transports:

9 (a) any explosive or radioactive material, knowing that it is intended  
10 to be used:

11 (i) to cause death or grievous bodily harm or damage, or

12 (ii) in a threat to cause death or grievous bodily harm or damage, for  
13 the purpose of intimidating a population, or compelling a government or an  
14 international organisation to do or to abstain from doing any act;

15 (b) any BCRN weapon, knowing it to be a BCRN weapon;

16 (c) any source of material, special fissionable material, or equipment  
17 or material especially designed or prepared for the processing, use or  
18 production of special fissionable material, knowing that it is intended to be  
19 used in a nuclear explosive activity or in any other nuclear activity not under  
20 safeguards agreement; or

21 (d) any equipment, materials or software or related technology that  
22 significantly contributes to the design, manufacture or delivery of a BCRN  
23 weapon, with the intention that it will be used for that purpose, commits an  
24 offence under this Act and is liable on conviction to imprisonment for a term of  
25 not less than twenty years.

26 (2) A person who causes injury to a person in connection with the  
27 perpetration of any of the offences provided for under subsection (1) of this  
28 section, commits an offence under this Act and is liable on conviction to  
29 imprisonment for a term of not less than twenty years.

1	<b>36.</b> A person who transports another person on board a ship,	Transportation of persons intending to commit offences on board ships
2	knowing that the person intends to commit an act that constitutes an offence	
3	under this Act commits an offence under this Act and is liable on conviction	
4	to imprisonment for a term of not less than twenty years.	
5	<b>37.</b> A person who transports another person on board a ship,	Transportation of certain offenders on board ships
6	knowing that the person has committed an act that constitutes an offence	
7	under this Act and intending to assist that person to evade criminal	
8	prosecution, commits an offence under this Act and shall on conviction be	
9	liable to imprisonment for a term of not less than ten years.	
10	<b>38.-(1)</b> A person who delivers, places, discharges or detonates an	Offences with explosives or other lethal devices
11	explosive or other lethal device into or against a place of public use, a State	
12	or government facility, a transportation system or an infrastructure facility	
13	with the intent to cause:	
14	(a) death or grievous bodily harm; or	
15	(b) extensive destruction of such a place, facility or system, where	
16	such destruction results in, or is likely to result in, major economic loss,	
17	commits an offence under this Act and is liable on conviction to	
18	imprisonment for a term of not less than twenty years.	
19	(2) Where death results from any of the offences provided for in	
20	subsection (1) of this section, the person shall on conviction be sentenced to	
21	death.	
22	<b>39.-(1)</b> A person who, without lawful authority, receives,	Handling of radioactive, nuclear materials or devices
23	possesses, transfers, alters, or disposes radioactive, nuclear materials or	
24	possesses a device:	
25	(a) with the intent to cause death or grievous bodily harm; or	
26	substantial damage to property or to the environment; or	
27	(b) which causes or is likely to cause death or grievous bodily harm	
28	to any person or substantial damage to property or to the environment,	
29	commits an offence under this Act and is liable on conviction to	
30	imprisonment for a term of not less than twenty years.	

1 (2) Where death results from any of the offences provided for in  
2 subsection (1) of this section, the person shall on conviction be sentenced to  
3 death.

4 (3) A person who commits:

5 (a) a theft or robbery of radioactive or nuclear material;

6 (b) an embezzlement or fraudulently obtains a radioactive or nuclear  
7 material; or

8 (c) an act which constitutes the carrying, sending, or moving of  
9 radioactive material into or out of Nigeria without lawful authority, commits an  
10 offence under this Act and is liable on conviction to imprisonment for a term of  
11 not less than twenty years.

12 (4) A person who threatens to commit an offence set forth under  
13 subsection (2) (a) of this section in order to compel a natural or legal person,  
14 international organisation or State to do or to refrain from doing any act,  
15 commits an offence under this Act and is liable on conviction to imprisonment  
16 for a term of not less than twenty years.

17 (5) A person who demands radioactive or nuclear material or a device  
18 by threat, or by use of force, or by any other form of intimidation, commits an  
19 offence under this Act and shall on conviction be liable to imprisonment for a  
20 term of not less than twenty years.

Use of radioactive  
or nuclear material

21 **40.-(1)** Any person who, without lawful authority, uses or disperses in  
22 any way radioactive or nuclear material or makes or uses a device:

23 (a) with the intent to cause:

24 (i) death or grievous bodily harm, or

25 (ii) substantial damage to property or the environment;

26 (b) to compel a natural or legal person, an international organization,  
27 or a State to do or refrain from doing an act; or

28 (c) which causes or is likely to cause death or grievous bodily harm to  
29 any person or substantial damage to property or to the environment, commits  
30 an offence under this Act and is liable on conviction to imprisonment for a term

1 of not less than twenty years.

2 (2) A person who threatens to commit an offence provided for in  
3 subsection (1) of this section, commits an offence under this Act and is liable  
4 on conviction to imprisonment for a term of not less than twenty years.

5 **41.**-(1) A person who uses or damages a nuclear facility, interferes  
6 with its operation, or commits any other act directed against a nuclear  
7 facility, in a manner which releases or risks the release of radioactive  
8 material:

Offences relating  
to nuclear facilities

9 (a) with the intent to cause:

10 (i) death or serious bodily injury, or

11 (ii) substantial damage to property or to the environment;

12 (b) with knowledge that the act is likely to cause death or grievous  
13 bodily harm to any person or substantial damage to property or to the  
14 environment by exposure to radiation or release of radioactive substances  
15 unless the act is undertaken in conformity with the existing laws and  
16 regulations; or

17 (c) to compel a natural or legal person, an international  
18 organization or a State to do or refrain from doing an act, commits an offence  
19 under this Act and is liable on conviction to imprisonment for a term of not  
20 less than twenty years.

21 (2) A person who threatens to commit an offence provided for in  
22 subsection (1) of this section, commits an offence under this Act and is liable  
23 on conviction to imprisonment for a term of not less than twenty years.

24 (3) A person who demands for a nuclear facility by threat, or by use  
25 of force or by any other form of intimidation, commits an offence under this  
26 Act and is liable on conviction to imprisonment for a term of not less than ten  
27 years.

28 **42.** A person who supplies, sells, or transfers, directly or indirectly,  
29 to individuals placed on the Consolidated List, arms and related materiel of  
30 all types, including weapons and ammunition, military vehicles and

Arms embargo

	1	equipment, paramilitary equipment, and their spare parts as well as technical
	2	advice, assistance, or training related to military activities, whether this
	3	conduct is carried out
	4	(a) within the territories of Nigeria;
	5	(b) by nationals of Nigeria abroad; or
	6	(c) by anyone using flag vessels or aircraft from Nigeria, commits an
	7	offence under this Act and is liable on conviction to imprisonment for a term of
	8	not less than twenty years.
Travel ban	9	<b>43.</b> An individual placed on the Consolidated List is not allowed
	10	entry into, or transit through, the territory of Nigeria, unless the individual is a
	11	citizen of Nigeria.
	12	PART VI - DESIGNATION OF SPECIFIED ENTITIES AND
	13	REVOCATION OF CHARITIES
Orders designating certain entities to be specified entities	14	<b>44.</b> -(1) Where the Attorney-General, based on the recommendation of
	15	the National Security Adviser or a relevant agency, has reasonable grounds to
	16	suspect that an entity has knowingly committed, attempted to commit,
	17	participated in committing, facilitated the commission of an act of terrorism or
	18	an entity is knowingly acting on behalf of, at the direction of, or in association
	19	with an entity referred to in section 45 of this Act, he may make an order under
	20	subsection (2) of this section in respect of that entity.
	21	(2) Where the Attorney-General is satisfied that there is evidence to
	22	support the recommendation from the National Security Adviser or a relevant
	23	agency under subsection (1) of this section, he may by an order published in the
	24	Federal Gazette designate an entity in respect of which the recommendation
	25	was made to be a specified entity.
	26	(3) Within sixty days of the publication in the Federal Gazette, a
	27	specified entity may make an application in writing to the Attorney-General for
	28	the revocation of an order made under subsection (2) of this section.
	29	(4) Where an application is made under subsection (3) of this section,
	30	the Attorney-General shall, after consulting the National Security Adviser or



1 the relevant agency that recommended the order on the specified entity,  
2 decide:

3 (a) whether there are reasonable grounds for revocation, and where  
4 he is satisfied that reasonable grounds exists, revoke the order and publish  
5 the notice of revocation in the Federal Gazette; or

6 (b) that there are no reasonable grounds for revocation of the order,  
7 and refuse the application.

8 (5) The Attorney-General shall, within sixty days of receiving the  
9 application referred to in subsection (4) of this section, inform the applicant  
10 of his decision to revoke or not to revoke the order.

11 (6) A specified entity which is aggrieved by the decision of the  
12 Attorney-General under this section may apply to the Court for a review of  
13 that decision within a period of thirty days from the date of the decision.

14 **45.-(1)** Where two or more persons associate for the purpose of or  
15 where an entity engages in:

Proscription of  
an entity

16 (a) participating or collaborating in an act of terrorism;

17 (b) promoting, encouraging or exhorting others to commit an act of  
18 terrorism; or

19 (c) setting up or pursuing acts of terrorism, the Attorney-General  
20 shall with the approval of the President, apply to a Judge in Chambers to  
21 designate the association or the entity to be a proscribed entity and the notice  
22 of the Proscription Order shall be published in the Federal Gazette and in  
23 two national daily newspapers and at such other places as the Judge in  
24 Chambers may determine.

25 (2) A publication made under subsection (1) of this section shall  
26 contain such relevant particulars as the Judge in Chambers may specify.

27 (3) A person who belongs or professes to belong to a proscribed  
28 entity commits an offence under this Act and is liable on conviction to  
29 imprisonment for a term of not less than twenty years.

30 (4) It is a defence for a person charged under subsection (3) of this

1 section to prove that the entity was not involved in any form of acts of terrorism  
2 at the time the person charged became or began to profess to be a member of the  
3 entity and that he has not taken part in the activities of the entity at any time  
4 after it has been designated to be a proscribed entity.

5 (5) Without prejudice to the provisions of section 47 of this Act, the  
6 Attorney-General may, on the approval of the President, apply to the Judge in  
7 Chambers for the revocation of the Proscription Order where:

8 (a) the proscribed entity affected by the order makes an application to  
9 the Attorney-General to that effect; and

10 (b) he is satisfied that a proscribed entity has ceased to engage in the  
11 acts specified in subsection (1) of this section.

12 (6) The revocation of the Proscription Order under subsection (5) of  
13 this section shall be published in the Federal Gazette.

Refusal or  
revocation of  
registration of  
charities linked  
to terrorist groups

14 **46.-(1)** The Registrar-General of the Corporate Affairs Commission  
15 may sign a certificate refusing or revoking the registration of any charity:

16 (a) based on national security or criminal intelligence reports; or

17 (b) where there are reasonable grounds to believe that an applicant for  
18 registration as a registered charity has made, is making or is likely to make  
19 available any resources, directly or indirectly, to a terrorist group.

20 (2) A copy of the certificate signed under subsection (1) of this section  
21 shall be served on the applicant or the registered charity at its registered office  
22 address or by registered post sent to its last known address.

23 (3) The certificate or any matter arising out of it shall not be subject to  
24 review or be reinstated, set aside or otherwise dealt with, except in accordance  
25 with the provisions subsection (4) of this section.

26 (4) The Registrar-General of the Corporate Affairs Commission may  
27 authorise the withdrawal of a certificate refusing or revoking the registration of  
28 any charity where-

29 (a) the promoters or the charity affected by the certificate makes an  
30 application to the Registrar-General attaching the Court order made under

1 section 47 of this Act, approving the registration or relisting of the charity; or

2 (b) he is satisfied that the acts or circumstances specified in  
3 subsection (1) of this section on which the certificate was issued no longer  
4 exist.

5 (5) The withdrawal of a certificate refusing or revoking the  
6 registration of any charity under subsection (4) of this section shall be  
7 published in the Federal Gazette.

8 **47.-(1)** Within sixty days of receipt of a copy of a Proscription  
9 Order made under section 45 of this Act or the refusal by the Registrar-  
10 General to withdraw the certificate refusing or revoking the registration of a  
11 charity under section 46 of this Act, as the case may be, the applicant or the  
12 registered charity may make an application to the Court on Notice for a  
13 review.

Application for  
judicial review

14 (2) In consideration of the application under subsection (1) of this  
15 section, the Court shall:

16 (a) examine the security, criminal or intelligence report at the  
17 disposal of the Registrar-General of the Corporate Affairs Commission and  
18 any evidence or information presented by or on behalf of the Attorney-  
19 General;

20 (b) provide the applicant or charity with a reasonable opportunity  
21 to be heard; and

22 (c) determine whether the Proscription Order or certificate is  
23 reasonable on the basis of all the information available to the Court.

24 (3) Where the Court determines that the Proscription Order or  
25 certificate is not reasonable, the Court shall order the vacation of the  
26 Proscription Order or the registration or relisting of the charity, as the case  
27 may be.

28 (4) Where the Court determines under subsection (2) of this section  
29 that the Proscription Order or the certificate issued, as the case may be, is  
30 reasonable, it shall make an order to that effect.

1 (5) A Proscription Order or certificate determined to be reasonable or  
2 that is not objected to within sixty days after its issuance shall be deemed for all  
3 purposes to be sufficient grounds for the proscription of persons or entity  
4 named in the order or the refusal or revocation of the registration of the charity  
5 referred to in the certificate.

6 (6) Where the certificate under subsection (5) of this section is in  
7 respect of a revocation, the Registrar-General of the Corporate Affairs  
8 Commission shall publish the name of the charity in at least two national  
9 newspapers.

10 (7) The Attorney-General shall review all the Orders made and  
11 certificates issued under this Part every twelve months to determine whether  
12 there are still reasonable grounds for the Orders or certificates to continue to  
13 apply to a specified entity, proscribed entity or charity, and if he determines that  
14 there are no such reasonable grounds, he shall inform the relevant agency in  
15 charge of the matter of the decision to revoke an Order or withdraw a certificate  
16 in respect of a specified entity, proscribed entity or charity be, as the case may  
17 be, unless there is proof to warrant the continued application of the Order or  
18 certificate.

Designation of  
person, group  
or entity to be  
a terrorist

19 **48.-(1)** The Attorney-General may, on the recommendation of the  
20 relevant agency in charge of the matter, designate a person, group or an entity to  
21 be a terrorist where it is reasonably suspected that the person, group or entity:

22 (a) is or has been involved in the commission, preparation or  
23 instigation of acts of terrorism;

24 (b) is a member of or belongs to a terrorist group, a specified entity  
25 under section 46 of this Act or designated as such under the provisions of this  
26 Act; or

27 (c) has a link with a terrorist group and the relevant agency in charge  
28 of the matter reasonably believes that the person, group or entity is a risk to  
29 national security;

30 (2) The Attorney-General may, on the recommendation of the

1 relevant agency in charge of the matter or based on information provided by  
2 the Minister of Foreign Affairs, designate a person, group or an entity to be  
3 an international terrorist or terrorist group where the person, group or entity,  
4 is:

5 (a) subject to the control or influence of persons outside Nigeria,  
6 and it is reasonably suspected that the person, group or entity is involved in  
7 the commission, preparation or instigation of acts of international terrorism;

8 (b) listed as a person, group or entity involved in international  
9 terrorist acts in:

10 (i) any Resolution of the United Nations Security Council (in this  
11 Act referred to as a "designated person, group or entity");

12 (ii) any instrument of the African Union or the Economic  
13 Community of West African States; or

14 (c) considered as a person, group or entity involved in international  
15 terrorist acts by the competent authority of a foreign State or organisation.

16 (3) Where the Attorney-General makes a designation under this  
17 section, he shall ensure that all take necessary steps are taken to apprehend  
18 and prosecute the terrorist or proscribe the terrorists group or entity, as the  
19 case may require, in accordance with the provisions of this Act.

20 (4) Where a person designated as a terrorist under this section is a  
21 citizen of Nigeria, other than by birth or a citizen of any other country or  
22 State, the person may be deprived of his Nigerian citizenship in accordance  
23 with the provisions of the Constitution of the Federal Republic of Nigeria.

24 **49.** A declaration made under sections 44 and 48 of this Act shall  
25 be published by the Attorney-General in the Federal Gazette:

Publication of  
declarations

26 **PART VII - NIGERIA SANCTIONS COMMITTEE**

27 **50.** The Attorney-General shall, with the approval of the President,  
28 constitute the Nigeria Sanctions Committee (in this Act referred to as "the  
29 Sanctions Committee") which shall comprise:

Constitution of  
the Nigeria  
Sanctions Committee

30 (a) the Attorney - General as Chairman,

	1	(b) the Minister of Finance;
	2	(c) the Minister of Foreign Affairs,
	3	(d) the Minister of Interior;
	4	(e) the National Security Adviser,
	5	(f) the Director - General, State Security Service,
	6	(g) the Governor, Central Bank of Nigeria,
	7	(h) the Inspector - General of Police;
	8	(i) the Director - General, Nigerian Intelligence Agency;
	9	(j) a representative of the Chief of Defence Staff;
	10	(k) the Director-General of the Nigeria Financial Intelligence Agency
	11	as Secretary; and
	12	(l) any other relevant person or institution that the President may
	13	incorporate into the Sanctions Committee, from time to time.
Functions and powers of the Sanctions Committee	14	<b>51.</b> The Sanctions Committee shall formulate and provide general
	15	policy guidelines on designations made under sections 44 and 48 of this Act
	16	and advise on the effective implementation of the United Nations Security
	17	Council Resolutions, and allied instruments of the African Union and the
	18	Economic Community of West African States.
Proceedings of the Sanctions Committee	19	<b>52.</b> -(1) The Sanctions Committee shall meet at least twice in a year
	20	and any other time it is summoned by the Attorney -General.
	21	(2) The Sanctions Committee shall prepare and submit to the
	22	President and the National Assembly a report on its activities during the
	23	preceding year, not later than 30th day of September in each year.
	24	PART VIII - RESPONSIBILITIES OF AIRLINES, COMMERCIAL CARRIERS,
	25	TOUR OPERATORS AND TRAVEL AGENTS
Responsibilities of a airlines, commercial carriers, tour operators and travel agents	26	<b>53.</b> -(1) An airline, an operator, a sea vessel operator, commercial
	27	carrier, tour operator or travel agent shall not to aid and abet, facilitate and
	28	promote terrorist activities.
	29	(2) An airline, an operator, a sea vessel operator, commercial carrier,
	30	tour operator or travel agent shall notify its clients of its obligation under

1 subsection (1) of this section.

2 (3) An airline, an operator, a sea vessel operator, commercial  
3 carrier, tour operator or travel agent is required to:

4 (a) insert in contracts with corresponding suppliers in destination  
5 countries, clauses requiring the suppliers to comply with the obligations  
6 stated in subsections (1) and (2) of this section;

7 (b) refrain from utilizing messages on printed materials, video or  
8 the internet that could suggest or allude to behaviour incompatible with the  
9 provisions of this Act;

10 (c) inform their staff of their obligations under this Act; and

11 (d) include clauses regarding their obligations under this Act in  
12 their conditions of service.

13 (4) The operator of an aircraft or master of a vessel departing from  
14 Nigeria or registered in Nigeria but departing from any point outside Nigeria  
15 shall, subject to regulations made pursuant to this Act, provide to the:

16 (a) relevant agencies any information in his possession, relating to  
17 persons on board or expected to be on board the aircraft or vessel, as the case  
18 may be; or

19 (b) competent authority in a foreign State any information in his  
20 possession relating to persons on board or expected to be on board the  
21 aircraft or vessel, as the case may be.

22 (5) An airline, an operator, a sea vessel operator, commercial  
23 carrier, tour operator or travel agent who fails to comply with the provisions  
24 of this Act or violates the provisions of this section commits an offence and  
25 in addition to any other penalty provided in this Act is liable on conviction to  
26 a fine of not less than ten million naira or the forfeiture of the vessel or  
27 aircraft belonging to the entity to any fund or agency established under any  
28 law for the recovery of proceeds of crime, or both.

29 PART IX - INVESTIGATION AND PROSECUTION

30 54.-(1) An authorised officer of a relevant agency may apply ex-

Issuance of  
warrant for terrorist  
investigation

1 parte to the Court for the issuance of a warrant for the purposes of a terrorist  
2 investigation.

3 (2) The Court may issue a warrant authorising an officer of a relevant  
4 agency to:

5 (a) enter the premises, place or conveyance specified or described in  
6 the warrant;

7 (b) search the premises, place or conveyance and any person found in  
8 the premises, place or conveyance; and

9 (c) seize and detain any relevant material found on the premises, place  
10 or conveyance.

11 (3) The Court shall not issue a warrant under subsection (2) of this  
12 section unless the Court is satisfied that:

13 (a) the warrant is sought to prevent the commission of an offence or to  
14 prevent interference in an investigation under this Act;

15 (b) the warrant is required for the purposes of a terrorist investigation;

16 (c) there are reasonable grounds for believing that there is a person or  
17 material on the premises or conveyance which may be relevant to the terrorist  
18 investigation; or

19 (d) the person being sought is preparing or about to commit an offence  
20 under this Act.

21 (4) Where a seizure is effected in the course of search or investigation  
22 under this section, a copy of the list of all the articles, documents and other  
23 materials seized shall be made, duly endorsed and handed to the:

24 (a) person on whom the search is made; or

25 (b) owner of the premises, place or conveyance searched.

Investigation  
and search without  
warrant

26 **55.**-(1) Where in a case of verifiable urgency or a life is threatened, or  
27 to prevent the commission of an offence under this Act, and an application to  
28 the Court or to a Judge in Chambers to obtain a warrant would cause delay that  
29 may be prejudicial to the maintenance of public safety or order, an officer of a  
30 relevant agency may, without prejudice to the provisions of section 54 of this



1 Act or any other law, with the assistance of other officers as may be  
2 necessary and while search warrant is being sought for:

3 (a) enter and search any premises, place or conveyance if he has  
4 reason to suspect that, within those premises, place or conveyance:

5 (i) an offence under this Act is being committed or likely to be  
6 committed;

7 (ii) there is evidence of the commission of an offence under this  
8 Act; or

9 (iii) there is an urgent need to prevent the commission of an offence  
10 under this Act.

11 (b) search any person or conveyance found on any premises or  
12 place which the officer is empowered to enter and search under paragraph

13 (a) of this subsection;

14 (c) stop, board and search any conveyance where the authorised  
15 officers of the relevant agency has reasons to suspect that there is evidence  
16 of the commission or likelihood of the commission of an offence under this  
17 Act;

18 (d) seize, remove and detain anything which is, or contains or  
19 appears to him to be or to contain or to be likely to contain, evidence of the  
20 commission of an offence under this Act; or

21 (e) arrest, search and detain any person whom the officer  
22 reasonably suspects to have committed or likely to commit an offence under  
23 this Act.

24 (2) Where a seizure is effected in the course of search or  
25 investigation under this section, a copy of the list of all the articles,  
26 documents and other materials seized shall be made, duly endorsed and  
27 handed to the:

28 (a) person on whom the search is made; or

29 (b) owner of the premises, place or conveyance searched.

30 (3) Notwithstanding the provisions of subsection (1) of this

1 section, a woman shall only be searched by a woman.

2 (4) An authorised officer of a relevant agency who uses such force as  
3 may be necessary and proportionate for any purpose in accordance with this  
4 Act, shall not be liable in any criminal or civil proceedings, for having, by the  
5 use of reasonable force, caused injury or death to any person or damage to or  
6 loss of any property.

7 (5) A relevant agency shall, within ninety days of exercising the  
8 powers conferred by this section, provide a detailed report to the Attorney-  
9 General on the exercise of the powers, describing the urgency or life  
10 threatening situation that necessitated the exercise of the powers with  
11 justification on why obtaining a warrant would have caused delay that may be  
12 prejudicial to the maintenance of public safety or order.

Recording  
measurements,  
samples,  
photographs or  
fingerprint  
impressions during  
investigations

13 **56.**-(1) An authorised officer of a relevant agency shall take and  
14 record, for the purpose of identification and evidence, the measurements,  
15 samples, photographs and fingerprint impressions of all persons who may,  
16 from time to time, be in lawful custody for an offence under this Act.

17 (2) A person who refuses to submit to the taking and recording of his  
18 measurements, photographs or fingerprint impressions shall be taken before  
19 the court and where the court is satisfied that the person is in lawful custody, it  
20 shall make such Order as it deems fit authorising the State Security Service, its  
21 duly authorised officers or any enforcement or security officer to take  
22 measurements, photographs and fingerprint impressions of the person.

Detention for  
offences related  
to terrorism

23 **57.**-(1) Notwithstanding provisions in any other law, the Court may,  
24 pursuant to an ex-parte application, grant an Order for the detention of a  
25 suspect under this Act for a period not exceeding sixty days subject to renewal  
26 for a similar period until the conclusion of the investigation and prosecution of  
27 the matter that led to the arrest and detention is dispensed with provided that in  
28 the case of renewal, the relevant agency in charge of the matter shall involve the  
29 Attorney -General.

30 (2) A person found on any premises or place or in any conveyance

1 may be detained by the relevant law enforcement or security officer until the  
2 completion of the search or investigation under the provisions of this Act.

3 (3) An authorised officer of the relevant agency in charge of the  
4 matter may use such force as may be necessary and proportionate for the  
5 exercise of the powers conferred by subsection (2) of this section.

6 **58.**-(1) Where a person is arrested under reasonable suspicion of  
7 having committed an offence under this Act, the relevant agency in charge of  
8 the matter may direct that the person arrested be detained in custody for a  
9 period not exceeding twenty-four or forty-eight hours from his arrest, as the  
10 case may be, without having access to-

Access to a  
detained person  
pending conclusion  
of terrorist  
investigation

11 (a) any person other than a medical officer of the relevant agency in  
12 charge of the matter and a government appointed legal practitioner; or

13 (b) any phone or communication gadget.

14 (2) A direction under subsection (1) of this section shall not be  
15 issued unless the relevant agency in charge of the matter believes that giving  
16 access to any person, other than the medical officer or a government  
17 appointed lawyer as specified in that subsection shall:

18 (a) lead to interference with or destruction of the evidence  
19 connected with an offence under this Act or to interference with or physical  
20 injury to other persons;

21 (b) lead to alerting of other persons suspected of having committed  
22 an offence under this Act or any other law but who are not yet arrested; or

23 (c) hinder the tracking, search and seizure of terrorist property.

24 (3) As soon as a direction is issued under subsection (1) of this  
25 section, the person detained shall be informed that he may, if he so wishes,  
26 be examined by a medical officer or speak to a government appointed  
27 lawyer.

28 (4) Where a person arrested under this Act is granted a bail within  
29 the period of detention stipulated under section 57 of this Act, the Court may  
30 make such orders as may be necessary for the purpose of enabling the

Interception of  
communications  
order

1 relevant agency in charge of the matter to monitor his movement and activities,  
2 including an order that he be placed under a house arrest.

3 (5) A person under house arrest pursuant to the provisions of  
4 subsection (4) of this section shall:

5 (a) be monitored by the authorised officers of the relevant agency in  
6 charge of the matter; and

7 (b) have no access to phones or communication gadgets.

8 **59.**-(1) Without prejudice to any other law, a relevant agency may,  
9 with the approval of the Attorney-General, for the purpose of the prevention of  
10 acts of terrorism or to enhance the detection of offences related to the  
11 preparation of an act of terrorism or the prosecution of offenders under this Act,  
12 apply ex-parte to a Judge in chambers for an "interception of communication  
13 order".

14 (2) A Judge to whom an application is made under subsection (1) of  
15 this section may make an order to:

16 (a) require a communication service provider to intercept and retain a  
17 specified communication or communications of a specified description  
18 received or transmitted or about to be received or transmitted by that  
19 communication service provider, including the call record data or metadata;

20 (b) authorise a relevant agency to enter any premises and to install in  
21 such premises, any device for the interception and retention of a  
22 communication or communications of specified description and to remove and  
23 retain such a device for the purpose of intelligence gathering; or

24 (c) authorise a relevant agency to execute covert operation in relation  
25 to an identified or suspected terrorist group, entity or persons for the purpose of  
26 gathering intelligence.

27 (3) An order made under subsection (1) of this section shall specify  
28 the maximum period for which a communication service provider may be  
29 required to retain communications data to which the order relates, subject to  
30 renewal.

1 (4) Any information contained in a communication:  
2 (a) intercepted and retained pursuant to an order under subsection  
3 (2) of this section; or  
4 (b) intercepted and retained in a foreign State in accordance with  
5 the law of that foreign State and certified by a Judge of that foreign State to  
6 have been so intercepted and retained, is admissible in proceedings for an  
7 offence under this Act, as evidence of the truth of its content.

8 (5) In this section:  
9 "communications service provider" means a person who provides postal,  
10 information or communication services, including the transmission or  
11 reception of communications and other telecommunications services;  
12 "data" means information generated, sent, received or stored that can be  
13 retrieved by electronic, magnetic, optical or any similar means; and  
14 "metadata" means data that provides information about other data.

15 **60.**-(1) A relevant agency may issue a detention order in respect of Detention of a  
16 a conveyance, if it is of the opinion that: conveyance

17 (a) a threat has been made to commit an act of violence against the  
18 conveyance or against any person or property on board the conveyance;

19 (b) the conveyance is used or intended to be used to commit an  
20 offence under this Act; or

21 (c) an act of violence is likely to be committed against the  
22 conveyance, or against any person or property on board the conveyance.

23 (2) Where the operator of a conveyance fails to comply with a  
24 detention order under subsection (1) of this section, an authorised officer of  
25 a relevant agency may:

26 (a) enter or authorise any other person to enter the conveyance; or

27 (b) arrange for a person or thing to be removed from the  
28 conveyance.

29 (3) The authorised officer of a relevant agency shall give written  
30 notice to the operator of the conveyance of any detention order issued under

1 this section.

2 (4) Where the operator of a conveyance objects to a detention order  
3 made pursuant to this section, the operator may apply to the Court, and the  
4 Court may, after considering the application, confirm, vary or cancel the order.

5 (5) A person who:

6 (a) without reasonable excuse, fails to comply with the requirement of  
7 a detention order; or

8 (b) intentionally obstructs or hinders any person acting in accordance  
9 with subsection (2) of this section, commits an offence under this Act and is  
10 liable on conviction to imprisonment for a term of not less than five years.

Video recording  
and custody of  
records

11 **61.**-(1) A video recording shall be made and kept in respect of any  
12 person, conveyance or property detained under any provision of this Act as  
13 may be required by a relevant agency.

14 (2) Records in respect of any person, conveyance or property detained  
15 under any provision of this Act shall be kept in the custody of a relevant agency.

16 (3) A video recording and other forms of electronic evidence shall be  
17 admissible in evidence before any court of competent jurisdiction in Nigeria  
18 for offences under this Act subject to the provisions of the Evidence Act.

19 (4) In this section, "video recording" includes the recording of visual  
20 images sound by electronic or other technological means.

Evidence by  
certificate

21 **62.** Where in any proceedings for an offence under this Act, a  
22 question arises as to whether anything or substance is a weapon, a hazardous,  
23 radioactive or harmful substance, a toxic chemical or microbial or other  
24 biological agent or toxin, a certificate purporting to be signed by an appropriate  
25 authority to the effect that the thing or substance described in the certificate is a  
26 weapon, hazardous, radioactive or harmful substance, a toxic chemical or  
27 microbial or other biological agent or toxin, shall:

28 (a) be admissible in evidence without proof of the signature of the  
29 person appearing to have signed it; and

30 (b) in the absence of evidence to the contrary, be proof of the facts

1       stated in the certificate.

2               **63.** Where a person voluntarily provides to a relevant agency any  
3       information that may be useful in the investigation or prosecution of an  
4       offence under this Act, the relevant agency shall take all reasonable  
5       measures to protect the identity and life of that person and the information so  
6       provided shall be treated as confidential.

Protection of  
informants and  
information

7               **64.**-(1) The Court may on its own, or on an application or motion by  
8       the Attorney-General or the relevant agency in charge of the matter protect a  
9       witness or any person in any proceeding before it where it is satisfied that the  
10      life of the person or witness is in danger and take such measures as it  
11      considers fit to keep the identity and address of the witness or person secret.

Protection of  
persons and  
witnesses

12              (2) The measures which the Court may take under subsection (1) of  
13      this section, include:

14              (a) the holding of the proceeding at a place to be decided by the  
15      court;

16              (b) avoiding the mention of the real name and address of the  
17      witness or person in its orders, judgments or records of the case, which are  
18      accessible to the public;

19              (c) issuing a direction for ensuring that the identity and address of  
20      the witness or person are not disclosed; and

21              (d) undertaking the proceeding in camera in order to protect the  
22      identity and location of witnesses and other persons.

23              (3) The Court may also decide, in the public interest and national  
24      security that:

25              (a) all or any of the proceedings pending before the Court shall not  
26      be published in any manner; and

27              (b) the proceedings shall be adjourned and the accused persons  
28      detained pending when the Attorney-General or the relevant agency in  
29      charge of the matter is able to guarantee the safety of the witnesses and other  
30      persons involved in the matter.

1 (4) The Court may, on an application by or on behalf of the relevant  
 2 agency in charge of the matter, in the interest of public safety or order, exclude  
 3 from proceedings for any offence under this Act any person other than the  
 4 parties and their legal representatives.

5 (5) The Court may, on the application of the Attorney-General, reduce  
 6 the penalty imposed on a person convicted of an offence in such manner as the  
 7 Court considers fit where that person has:

8 (a) before any proceeding, made possible or facilitated the  
 9 identification of other accused persons and their sponsors; or;

10 (b) after the commencement of the proceedings, made possible or  
 11 facilitated the arrest of the persons and their sponsors mentioned in paragraph  
 12 (a) of this subsection.

13 (6) A person who contravenes an order or direction made under this  
 14 section commits an offence is liable on conviction to imprisonment for a term  
 15 of not less than five years.

Power to prosecute

16 **65.** The Attorney-General shall institute and undertake criminal  
 17 proceedings against any person in respect of offences committed under this Act  
 18 or any law or regulation relating to counter-terrorism.

Power to declare  
a state of emergency

19 **66.-(1)** Subject to the provisions of the Constitution of the Federal  
 20 Republic of Nigeria, 1999 (as altered), the President may in accordance with  
 21 the advice of the Executive Council of the Federation, by proclamation  
 22 published in the Federal Gazette, declare a state of emergency in Nigeria or in  
 23 any part of Nigeria as part of anti-terrorism measures.

24 (2) On the declaration of a state of emergency under subsection (1) of  
 25 this section, the President may take such measures as he considers necessary  
 26 and justifiable for the purpose of dealing with the situation that exists during  
 27 the period that the state of emergency is in force.

#### 28 PART X - JURISDICTION

Jurisdiction to  
try offences  
under this Act

29 **67.-(1)** The Federal High Court (in this Part referred to as "the Court")  
 30 located in any part of Nigeria regardless of the location where the offence is



1 committed has jurisdiction to try offences under this Act or any other related  
2 enactment and to hear and determine proceedings arising under this Act  
3 whether or not the offence was commenced in Nigeria and completed  
4 outside Nigeria and the victim or the alleged offender is:

5 (a) in Nigeria;

6 (b) on a ship or aircraft registered in Nigeria;

7 (c) dealing with or on behalf of the Government of Nigeria, or a  
8 citizen of Nigeria or an entity registered in Nigeria, or

9 (d) outside Nigeria:

10 (i) where the victim of the offence is a citizen or resident of Nigeria,

11 (ii) where the alleged offender is In Nigeria and not extradited to  
12 any other country for prosecution, or

13 (iii) by a Nigerian, if the person's conduct would also constitute an  
14 offence under a law of the country where the offence was committed.

15 (2) The Court has jurisdiction to impose any penalty provided for  
16 an offence under this Act or any other related law.

17 (3) In any trial for an offence under this Act, the Court may,  
18 notwithstanding anything to the contrary in any other enactment, adopt all  
19 legal measures necessary to avoid unnecessary delays and abuse in the  
20 conduct of matters.

21 (4) Subject to the provisions of the Constitution of the Federal  
22 Republic of Nigeria (as altered), an application for stay of proceedings or for  
23 an interlocutory injunction in respect of any matter brought under this Act  
24 shall not be entertained by the Court but shall be stayed until judgment in the  
25 matter is delivered by the Court.

26 (5) Whenever a person is convicted of an offence under this Act,  
27 the Court in passing sentence shall in addition to any punishment which the  
28 Court may impose in respect of the offence, order the forfeiture, to the  
29 Federal Government of Nigeria, of any:

30 (a) terrorist fund with any accrued or accruing interest thereon;

- 1 (b) terrorist property;
- 2 (c) article, substance, device or material by means of which the
- 3 offence was committed; or
- 4 (d) conveyance used in the commission of the offence; which is
- 5 reasonably believed to have been used in the commission of the offence or for
- 6 the purpose of or in connection with the commission of the offence and which
- 7 may have been seized under this Act or is in the possession or custody or under
- 8 the control of the convicted person.

9 (6) In any trial for an offence under this Act, the fact that an accused

10 person is in possession of terrorist property, devices or instruments or deadly

11 weapons or nuclear or biological weapons for which he cannot satisfactorily

12 account for, may be proved and taken into consideration by the Court as

13 corroborating the testimony of any witness in the trial.

14 PART XI - SEIZURE AND FORFEITURE OF TERRORIST

15 PROPERTY OR FUNDS

Property tracing

16 **68.**-(1) Where a relevant agency has reasonable grounds to suspect

17 that a person has committed, is committing or is likely to commit an act of

18 terrorism or is in possession of terrorist property, it may, for the purposes of an

19 investigation under this Act, with the approval of the Attorney-General, apply

20 ex-parte to the Court or a Judge in Chambers for an order:

21 (a) compelling the suspect to deliver to the relevant agency any

22 document relevant to identifying, locating or quantifying any property

23 belonging to or in the possession or control of that person;

24 (b) requiring a financial institution or designated non-financial

25 institution to produce or deliver to the relevant agency all information and

26 documents regarding any business transaction conducted by or on behalf of the

27 suspect; or

28 (c) requiring a telecommunications operator, communications

29 service provider or other institution to produce or deliver to the relevant agency

30 all information, logs and documents relevant for identifying, locating, tracing

1 or intercepting any communications or equipment belonging to or in the  
2 possession or control of the suspect.

3 (2) Where a person fails to comply with, delays or is otherwise  
4 obstructing the execution of an order made under subsection (1) of this  
5 section, the Court may, on information or affidavit sworn to that effect by the  
6 relevant agency in charge of the matter, authorise the relevant agency to  
7 enter into any premises, including that of a financial institution, a  
8 telecommunications operator or communications service provider, to search  
9 and remove any document for the purpose of executing such order.

10 **69.**-(1) Where a person is arrested for committing an offence under  
11 this Act, he shall make full disclosure of all his assets and properties by  
12 completing the Declaration of Assets Form as specified in Form 1 in the  
13 Schedule to this Act.

Disclosure of  
assets and property  
by an arrested  
person

14 (2) The disclosures made in the Declaration of Assets Form shall be  
15 investigated by the relevant agency in charge of the matter.

16 (3) A person who:

17 (a) knowingly fails to make full disclosure of his assets and  
18 liabilities;

19 (b) knowingly makes a declaration that is false; or

20 (c) fails, neglects or refuses to make a declaration or furnish any  
21 information required, in the Declaration of Assets Form, commits an offence  
22 and is liable on conviction to imprisonment for a term of two years.

23 (4) In all terrorist investigations, regardless of whether the terrorist  
24 act has been completed or not, the relevant agency in charge of the matter  
25 shall request from the Nigerian Financial Intelligence Agency (in this Act  
26 referred to as 'the Agency') in writing, any information that may assist in the  
27 tracing of all funds or properties in or outside Nigeria that may be directly or  
28 indirectly linked to a suspected terrorist, terrorist group or entity.

29 **70.**-(1) A relevant agency shall seize terrorist fund or property  
30 where it has reasonable grounds to suspect that the fund or property:

Seizure of terrorist  
fund or property

- 1 (a) is intended to be used for the purposes of terrorism;
- 2 (b) belongs to or is held in trust for a terrorist group or specified entity;
- 3 (c) is or represents property or part of property obtained through acts
- 4 directly or indirectly linked to terrorism.
- 5 (2) A relevant agency may seize terrorist fund or property where:
- 6 (a) the seizure is incidental to an arrest or search; or
- 7 (b) the fund or property is liable to forfeiture upon an order made by
- 8 the Court following an application by the relevant agency.
- 9 (3) A relevant agency may, in the interest of public order, defence and
- 10 national security, exercise its powers under subsection (1) of this section,
- 11 whether or not any proceeding has been brought for an offence in connection
- 12 with a terrorist fund or property.
- 13 (4) A Judge in Chambers or a Court shall not make a detention or
- 14 attachment order of any terrorist fund or property seized in accordance with the
- 15 provisions of this section unless the Judge or Court is satisfied that reasonable
- 16 grounds exist for suspecting that the terrorist fund or property:
- 17 (a) is derived from an act of terrorism or is being used or is intended to
- 18 be used for the purposes of terrorism;
- 19 (b) consists of resources of a terrorist, terrorist group or specified
- 20 entity;
- 21 (c) is or represents property or part of a property obtained directly or
- 22 indirectly through terrorist activities; or
- 23 (d) has given every person appearing to have an interest in the
- 24 property a reasonable opportunity of being heard.
- 25 (5) Subject to subsection (7) of this section, any order made under
- 26 subsection (4) of this section shall remain valid for a period of ninety days and
- 27 may be renewed for a further period of ninety days or until the production of the
- 28 terrorist fund before the court.
- 29 (6) The terrorist fund or the proceeds from the terrorist property
- 30 seized under this section shall be deposited by a relevant agency in an interest -

1 bearing account.

2 (7) The terrorist fund with the interest may be released to the owner  
3 by an order of the Court or a Judge in Chambers where proceedings are not  
4 brought in connection with the terrorist fund seized.

5 (8) Whenever property is seized under any of the provisions of this  
6 Act, a relevant agency may:

7 (a) place the property under seal;

8 (b) auction the property and pay the proceeds into an interest  
9 yielding account pending the determination of the matter with the leave of  
10 the Court; or

11 (c) remove the property to a place designated by the relevant  
12 agency.

13 (9) Property taken or detained under this section shall be deemed to  
14 be in the custody of the a subject only to the order of the Court.

15 **71.-(1)** Where a person is charged or about to be charged with an  
16 offence under this Act, the relevant agency in charge of the matter may apply  
17 to the Court or to a Judge in Chambers for a detention or attachment order of  
18 all frozen funds and seized property belonging to or held on behalf of the  
19 suspect.

Order of the  
Court relating to  
seized property

20 (2) An order made under subsection (1) of this section may:

21 (a) prohibit a person from making money or property available to  
22 or for the benefit of the suspect, except in cases of critical need including  
23 reasonable subsistence expenses;

24 (b) authorise the relevant agency in charge of the matter to make  
25 money or other property available to such person on such conditions as may  
26 be specified in the order;

27 (c) authorise the relevant agency in charge of the matter to auction  
28 the property through the office of the Attorney-General and pay the proceeds  
29 into an interest yielding account especially where the property in question is

1 perishable or is likely to perish or in imminent danger of perishing or being  
2 destroyed;

3 (d) require the suspect to provide such information or produce such  
4 document as may be required or necessary for an investigation under this Act;

5 (e) include such other conditions as the Court or Judge in Chambers  
6 may impose.

7 (3) The Court or Judge in Chambers may, on an application made to it  
8 by the Attorney- General or on the advice of the Attorney-General, appoint an  
9 official receiver or any other suitable person to auction or manage the property  
10 of the suspect during the period of operation of an order made under this  
11 section.

12 (4) An order made under this section shall remain in force and shall be  
13 published in two national daily newspapers until the determination of any  
14 charge or intended charge under subsection (1) of this section and, if there is a  
15 conviction, until an order for forfeiture is made by the Court or proceedings  
16 relating to the forfeiture are concluded.

17 (5) Where an order made under this section ceases to have effect, the  
18 relevant agency in charge of the matter shall cause notice of that fact to be  
19 published in the Federal Gazette and in two national daily newspapers within  
20 sixty days of the cessation.

21 (6) The relevant agency in charge of the matter shall:

22 (a) cause notice of an order made under this section to be published in  
23 the Federal Gazette and in two national daily newspapers; and

24 (b) give notice of the order to:

25 (i) financial institutions and designated non-financial institutions;  
26 and

27 (ii) any other person who may hold or be vested with property  
28 belonging to or held on behalf of the suspect or convicted person.

29 (8) Any payment, transfer, pledge or other disposition of property  
30 made in contravention of an order made under this section shall be void.

1 (9) Property forfeited to the Federal Government shall vest in the  
2 Federal Government where:

3 (a) no appeal has been made against the order, at the end of the  
4 period within which an appeal may be made against the order; and

5 (b) an appeal has been made against the order, on the final  
6 determination of the appeal where the appeal is decided in favour of the  
7 Federal Government.

8 (10) In this section, "critical need" means serious life - threatening  
9 need.

10 **72.-(1)** Notwithstanding anything contained in any other  
11 enactment, where a person is arrested or under investigation for an offence  
12 under this Act or in any other circumstance whether or not connected to an  
13 arrest or investigation, the head of the relevant agency in charge of the  
14 matter or his authorised representative may, if satisfied that the fund in the  
15 account of an arrested person is:

Freezing order on  
banks or other  
financial institutions

16 (a) made through the commission of an offence;

17 (b) reasonably suspected to be made through the commission of an  
18 offence; or

19 (c) destined to be used for the commission of an offence under this  
20 Act, apply to the Court ex-parte for an order authorising the relevant agency  
21 in charge of the matter to issue an order as specified in Form 2 in the  
22 Schedule to this Act, addressed to the manager of the bank or any person in  
23 control of the financial institution where the account is or believed to be or  
24 the head office of the bank or other financial institution; to freeze the  
25 account.

26 (2) The head of the relevant agency in charge of the matter may by  
27 an order issued under subsection (1) of this section, or by any subsequent  
28 order, direct the bank or other financial institution to supply any information  
29 and produce books and documents relating to the account and to stop all  
30 outward payments, operations or transactions, including any bill of

	1	exchange, in respect of the account of the arrested person or a person under
	2	investigation.
	3	(3) The manager or any other person in control of the bank or a
	4	financial institution shall take necessary steps to comply with the requirements
	5	of the order made pursuant to subsection (1) and (2) of this section.
Confiscated and Forfeited Assets Account	6	<b>73.</b> All forfeited funds, and funds realized from the proceeds of sale,
	7	management or other forms of disposal of seized, attached and forfeited assets
	8	under this Act and vested in the Federal Government shall be paid into the
	9	Confiscated and Forfeited Assets Account established under any enactment
	10	dealing with the proceeds of crime.
	11	PART XII - OBLIGATIONS OF FINANCIAL AND DESIGNATED
	12	NON - FINANCIAL INSTITUTIONS
Obligation to develop counter- financing of terrorism programmes and strategies	13	<b>74.-(1)</b> Subject to the provisions of the Money Laundering
	14	(Prohibition and Prevention) Act, all financial institutions and designated non-
	15	financial institutions shall-
	16	(a) develop and implement programmes and strategies for combating
	17	the financing of terrorism; and
	18	(b) keep a record of any complex, unusual large and unusual pattern of
	19	transaction which has no apparent economic or visible lawful source or
	20	purpose.
	21	(2) A report detailing all the parties involved in such transactions shall
	22	be kept and made available on request by the relevant agency in charge of the
	23	matter.
Obligation to report suspicious transactions relating to terrorism	24	<b>75.-(1)</b> Subject to the provisions of the Money Laundering
	25	(Prohibition) Act, a financial institution or designated non-financial institution
	26	shall, within forty-eight hours, forward reports of suspicious transactions
	27	relating to terrorism or terrorism financing to the Nigerian Financial
	28	Intelligence Agency which shall immediately process and forward the
	29	information to the relevant agency in charge of the matter where there are
	30	sufficient reasons to suspect that the funds:



1 (a) are derived from legal or illegal sources but are intended to be  
2 used for an act of terrorism or terrorism financing;

3 (b) are proceeds of a crime related to terrorism or terrorism  
4 financing; or

5 (c) belong to a person, entity or organisation considered as  
6 terrorists.

7 (2) A financial institution or a designated non-financial institution  
8 is not liable for violation of the confidentiality rules for any lawful action  
9 taken in furtherance of its obligations under subsection (1) of this section.

10 (3) A breach of the provision of this section is an offence under this  
11 Act and is punishable on conviction:

12 (a) in the case of a director, chief compliance officers, or other  
13 employees, with a fine of not less than five million naira or imprisonment for  
14 a term of not more than five years or to both the fine and imprisonment; and

15 (b) in the case of a financial institution or non-financial institution,  
16 to a fine of not less than ten million naira and one million naira for every day  
17 the offence persists, or the withdrawal of licence or forfeiture of assets of the  
18 institution, or to all the above prescribed penalties.

19 (4) The officer responsible for this breach may also be referred by  
20 the Nigerian Financial Intelligence Agency to the appropriate regulatory or  
21 professional body for disciplinary action, including withdrawal of  
22 certificates and debarment from practising his or her profession for a period  
23 of not less than five years.

24 (5) Where a breach of the provision of subsection (1) of this section  
25 occurs and it is shown that the breach was not intentional, and that adequate  
26 measures were put in place by the financial institution or the designated non-  
27 financial institution to prevent the breach from occurring, the Nigerian  
28 Financial Intelligence Agency in consultation with the Regulator or the Self-  
29 Regulatory Organisation responsible for the financial institution or  
30 designated non-financial institution shall impose such administrative

1 sanctions as it may consider necessary.

2 (6) The Nigerian Financial Intelligence Centre and the Regulator or  
3 the Self-Regulatory Organisation shall publish, on their website and in any  
4 other form of publication as considered appropriate, the list of individuals and  
5 institutions penalised under this section.

6 PART XIII - MUTUAL LEGAL ASSISTANCE, EXCHANGE OF INFORMATION  
7 AND EXTRADITION

Requests from  
foreign States

8 **76.-(1)** A foreign State may make a request to the Attorney-General  
9 for assistance in the investigation and prosecution of offences relating to  
10 terrorism.

11 (2) The Attorney-General shall furnish a copy of a request for  
12 assistance to the National Security Adviser and the relevant agency in charge of  
13 the matter.

14 (3) Where a foreign State makes a request for assistance in the  
15 investigation or prosecution of an offence relating to terrorism or extradition  
16 where there is mutual legal assistance treaty in force, the Attorney-General  
17 may, after due consideration-

18 (a) execute the request; or

19 (b) inform the requesting State of any reason for:

20 (i) not executing the request, or

21 (ii) delaying the execution of the request.

22 (4) Where the Attorney-General decides to execute a request for  
23 assistance under subsection (1) of this section, he may apply to the Court for:

24 (a) an order for the relevant agency in charge of the matter to:

25 (i) enter and search specified premises or conveyance,

26 (ii) search any specified person, or

27 (iii) remove any relevant document or material; and

28 (b) a seizure order; property tracing order; interception of  
29 communication order; or an order for freezing or forfeiture of property or funds  
30 in such manner as may be prescribed by the Court or Judge in Chambers

1 (5) The Court or Judge in Chambers, in making an order under  
2 subsection (4) of this section, may impose such conditions as to payment of  
3 debts, sale, transfer or disposal of any property as the Court or Judge  
4 considers fit.

5 (6) Where a prima facie case is established on the basis of the  
6 request from a foreign State, the Attorney-General shall file a request for an  
7 order of forfeiture of all funds or properties used, being used or intended to  
8 be used for the commission of an act of terrorism and the Court or Judge in  
9 Chambers shall grant or reject the application for an order of forfeiture after  
10 hearing from all parties, including a bona fide third party.

11 77.-(1) The Attorney-General may, on the recommendation of the Request to a  
12 National Security Adviser or the relevant agency in charge of the matter, foreign State  
13 make a request to any foreign State for:

14 (a) evidence or information relevant to an offence under this Act;

15 (b) the restraint and forfeiture of any fund or property located in  
16 that foreign State and which is liable to be forfeited for being a terrorist fund  
17 or property that is used, being used or intended to be used for the  
18 commission of an act of terrorism.

19 (2) The Attorney-General may, for the purpose of giving evidence  
20 in relation to any proceedings for an offence under this Act, apply to the  
21 Court or a Judge in Chambers for an order directed to any person resident in  
22 a foreign State to:

23 (a) deliver himself or any document or material in his possession or  
24 under his control to the jurisdiction of the Court; or

25 (b) subject to the approval of the foreign State, deliver himself to  
26 the jurisdiction of the court of the foreign State.

27 78.-(1) The evidence taken pursuant to section 77 of this Act, may Evidence  
28 in any proceedings in a court of a foreign State, if it is authenticated, be pursuant to a  
29 prima facie admissible in any proceedings to which the evidence relates, request  
30 provided that the circumstances and method of collecting the evidence is

1 acceptable to Nigeria.

2 (2) For the purpose of subsection (1) of this section, a document is  
3 authenticated if it is:

4 (a) signed or certified by a Judge or Magistrate of the foreign State;

5 (b) authenticated by the oath or affirmation of a witness; or

6 (c) sealed with an official or public seal:

7 (i) of a Ministry or Department of the Government of the foreign  
8 State, or

9 (ii) in the case of a foreign territory, protectorate or colony, of the  
10 person administering the Government of the foreign territory, protectorate or  
11 colony or a department of that territory, protectorate or colony.

Form of requests

12 **79.**-(1) A request under this Part shall be in writing, dated and signed  
13 by or on behalf of the person making the request.

14 (2) A request may be transmitted by facsimile or by any other  
15 electronic device or means.

16 (3) A request shall:

17 (a) confirm either that an investigation or prosecution is being  
18 conducted in respect of a suspected offence of terrorism or an act related to  
19 terrorism or that a person has been convicted of an offence of terrorism or act  
20 related to terrorism;

21 (b) state the grounds on which a person is being investigated or  
22 prosecuted for an offence related to terrorism or details of the conviction of the  
23 person;

24 (c) give sufficient particulars of the identity of the person;

25 (d) give sufficient particulars to identify any financial institution or  
26 designated non-financial institution or other persons believed to have  
27 information, documents or materials which may be of assistance to the  
28 investigation or prosecution;

29 (e) specify the manner in which and to whom any information,  
30 document or material obtained pursuant to the request is to be produced;

1 (f) specify the information, document or material to be obtained  
2 from a financial institution or designated non - financial institution or any  
3 person which may assist the investigation or prosecution;

4 (g) state whether:

5 (i) a freezing or forfeiture order is required, or

6 (ii) the property may be made the subject of such an order; and

7 (h) contain such other information as may assist in the execution of  
8 the request.

9 (4) A request shall not be invalidated for the purposes of this Act or  
10 any legal proceedings by failure to comply with the provisions of subsection

11 (3) of this section where the Attorney General is satisfied that there  
12 is sufficient compliance to enable him execute the request.

13 (5) The Attorney-General, where he considers it appropriate, either  
14 because an international arrangement so requires or permits or it is in the  
15 public interest, may, after deducting the cost incurred for actions taken in  
16 Nigeria, make recommendations that any part of any property forfeited  
17 under this Act or the value thereof, be returned or remitted to the requesting  
18 State.

19 (6) Where the whole or any part of the forfeited property, or its  
20 value is retained in Nigeria, it shall be paid into the Special Victims Trust  
21 Fund established under Part XIII of this Act.

22 **80.-(1)** Offences under this Act are considered to be extraditable Extradition  
23 crimes for which extradition may be requested, granted or obtained under  
24 the Extradition Act.

25 (2) Notwithstanding the provisions of subsection (1) of this  
26 section, a person shall not be extradited pursuant to this Act, where the  
27 Government has substantial grounds for believing that a request for  
28 extradition for an offence has been made for the purpose of prosecuting or  
29 punishing a person on account of that person's race, religion, nationality,  
30 ethnic origin or political opinion or that compliance with the request would

Exchange of  
information  
relating to acts  
of terrorism,  
terrorists and  
terrorist entities, etc.

1 cause prejudice to that person's position for any of these reasons.  
2 **81.**-(1) A relevant agency may, with the approval of the Attorney-  
3 General on a formal request made by the appropriate authority of a foreign  
4 state, disclose to that authority, any information in its possession or any other  
5 government department, relating to any of the following:

6 (a) the actions or movements of terrorist entities or persons suspected  
7 of involvement in the preparation or the commission of acts of terrorism;

8 (b) the use of forged or falsified travel papers by persons suspected of  
9 involvement In the preparation or the commission of acts of terrorism;

10 (c) traffic in explosives or other lethal devices or sensitive materials  
11 by terrorist entities, groups or persons suspected of involvement in the  
12 preparation or the commission of acts of terrorism; and

13 (d) the use of communication technologies by terrorist entities or  
14 persons.

15 (2) Where the Attorney-General, on the recommendation of relevant  
16 agency in charge of the matter, considers that there are no means or conditions  
17 under which the information, documents or evidence requested could be  
18 provided, disclosed or given without prejudice to the national security of  
19 Nigeria, he:

20 (a) may refuse the request for the production of the document or the  
21 disclosure of the evidence or refuse the authorisation of the production of the  
22 document or the disclosure of the information; and

23 (b) shall notify the requesting authority of the foreign State of the  
24 reasons for doing so, unless the specification of those reasons would in itself, in  
25 the opinion of the Attorney-General, be prejudicial to the national security of  
26 Nigeria.

#### 27 PART XIV - SPECIAL VICTIMS TRUST FUND

Establishment  
of Victims Trust  
Fund

28 **82.**-(1) There is established in the Office of the Attorney-General a  
29 Victims Trust Fund (in this Act referred to as "the Trust Fund"), into which shall  
30 be paid:

1 (a) any take-off grant and special intervention funds as may be  
2 provided by the Federal Government;

3 (b) such moneys as may be appropriated to meet the objectives of  
4 the Trust Fund by the National Assembly;

5 (c) proceeds of the sale of assets and properties derived from acts  
6 which constitute an offence under this Act;

7 (d) aids, grants, gifts, bequests, endowments, donations or  
8 assistance from bilateral and multi-lateral international Agencies, Non-  
9 Governmental Organisations, other donor agencies, partners and the private  
10 sector or from any other sources;

11 (e) moneys derived from investments made by the Trust Fund;

12 (f) monies received from any fund under any enactment relating to  
13 proceeds of crimes; and

14 (g) any other moneys which may accrue to the Trust Fund from  
15 time to time.

16 (2) The Fund shall accept the sources of moneys referred to in  
17 paragraph (d) of subsection (1) of this section except where the terms and  
18 conditions attached to the aid, grant, gift, bequest, endowment, donation or  
19 assistance, as the case may be, are inconsistent with the objective of the  
20 Trust Fund or the provisions of this Act.

21 (3) The Attorney-General shall, on the recommendation of the  
22 Victims Trust Fund Committee established under section 83 of this Act,  
23 make regulations and issue guidelines for the management of the Fund  
24 established under subsection (1) of this section and related matters.

25 (4) The Trust Fund shall be utilised to:

26 (i) pay compensation, restitution and damages to victims of acts of  
27 terrorism;

28 (ii) fund terrorism prevention programs and such other purposes  
29 incidental to or connected with the attainment of the objectives of this Act

Establishment  
of the Special  
Victims Trust  
Fund Committee

1                   **83.**-(1) There is established, for the purpose of administering the Trust  
2 Fund established under section 82 of this Act, a body to be known as the Special  
3 Victims Trust Fund Committee (in this Act referred to as 'the Trust Fund  
4 Committee') which shall, subject to the provisions of this Act, have general  
5 control over the management of the Trust Fund.

6                   (2) The Trust Fund Committee shall consist of:

7                   (a) the Attorney - General who shall be the Chairman;

8                   (b) a representative of the Minister of Finance;

9                   (c) a representative of the Inspector - General of Police;

10                  (d) a representative of the National Security Adviser;

11                  (e) two representatives of Non-Governmental Organisations whose  
12 focus is on the prevention of acts of terrorism.

13                  (f) a representative of the Director - General, State Security Service;

14                  and

15                  (g) representative of the Solicitor-General of the Federation and  
16 Permanent Secretary, Federal Ministry of Justice, who shall be the Secretary to  
17 the Committee.

18                  (3) A representative under subsection (2) of this section shall not be  
19 below the rank of a Director in the public service of the Federation or its  
20 equivalent.

21                  (4) Members of the Trust Fund Committee shall be appointed by the  
22 President on the recommendation of the Attorney-General.

23                  (5) The Trust Fund Committee shall be responsible for:

24                  (a) receiving all moneys, aids, grants, gifts, bequests, endowments,  
25 donations or assistance accruing to the fund;

26                  (b) determining victims of acts of terrorism who are entitled to benefit  
27 from the Trust Fund; and

28                  (c) approving the disbursements of moneys from the Trust Fund to  
29 victims of acts of terrorism.

30                  (6) Subject to the provisions of subsection (7) of this section,



1 members of the Trust Fund Committee specified in subsection (2) (e) of this  
2 section shall hold office for a term of four years in the first instance and may  
3 be eligible for reappointment for another term of four years and no more.

4 (7) A member of the Trust Fund Committee shall cease to hold  
5 office if:

6 (a) his term of office expires;

7 (b) he resigns his office by a notice in writing under his hand  
8 addressed to the President;

9 (c) he dies;

10 (d) he is incapable of carrying out his duties due to mental or  
11 physical infirmity;

12 (f) he has been declared bankrupt or he makes compromise with his  
13 creditors;

14 (g) has been convicted of a felony or any offence involving  
15 dishonesty;

16 (h) he is guilty of gross misconduct relating to his duties;

17 (i) the President directs the removal of the member upon being  
18 satisfied that it is not in the interest of the Trust Fund, Trust Fund Committee  
19 or of the public for the person to continue in office as a member of the Trust  
20 Fund Committee; or

21 (j) in the case of an ex - officio member, he ceases to hold the office  
22 on the basis of which he became a member of the Trust Fund Committee.

23 (8) The Trust Fund Committee:

24 (a) shall meet at least twice in a year and on such other occasions as  
25 it may consider necessary to carry out its functions under this Part.;

26 (b) may make rules and standing orders to regulate its proceedings  
27 or those of its committees;

28 (c) may co-opt any person to assist it in carrying out its assignments  
29 under this Act, provided that a co-opted member shall not have the right to  
30 vote at Committee meetings; and

1 (e) may appoint one or more committees to carry out its functions on  
2 its behalf.

3 PART XV - MISCELLANEOUS

Service of  
documents

4 **84.** A notice, summons or other documents required or authorized to  
5 be served on a relevant agency under the provisions of this Act or any other law  
6 or enactment may be served by delivering it to or by sending it by registered  
7 post and addressed to the head office of the relevant institution or relevant  
8 agency.

Restriction on  
execution against  
property of a  
relevant agency,  
etc.

9 **85.**-(1) In an action or a suit against a relevant agency, no execution or  
10 attachment process in any nature shall be issued against a relevant agency  
11 unless not less than three months' notice of the intention to execute or attach has  
12 been given to the head of the relevant agency concerned.

13 (2) A sum of money which may by the judgment of any court be  
14 awarded against a relevant agency shall, subject to any direction given by the  
15 Court, where notice of appeal against the judgment has been given, be paid  
16 from the Victim Trust Fund.

Regulations

17 **86.**-(1) The Attorney-General may for the purpose of this Act make  
18 such regulations as are necessary for the effective implementation of the  
19 provisions of this Act.

20 (2) Regulations made under subsection (1) of this section may  
21 provide for the -

22 (a) types of financial or other related services which may not be  
23 provided to specially designated entities;

24 (b) procedures for the specification of entities and proscription of  
25 terrorist groups;

26 (c) method of compliance with United Nations Security Council  
27 Resolutions, the Resolutions of the African Union, Economic Community of  
28 West African States and other bilateral and multilateral partners and foreign  
29 States in respect of acts of terrorism and forfeiture of assets;

30 (d) method for the seizure, freezing, forfeiture and the management of

- 1 all terrorist properties in Nigeria;
- 2 (e) method of custody of video and other electronic recordings of
- 3 suspects apprehended under this Act;
- 4 (f) procedure for the use of covert techniques such as interception
- 5 of communication, acquisition of communication data, covert surveillance,
- 6 use of undercover officers or public informants, decryption of protected
- 7 electronic information and allied interferences;
- 8 (g) procedure for the effective management and prompt
- 9 prosecution of terrorist cases in line with the highest professional standards
- 10 and international human rights standards;
- 11 (h) protection of informants, witnesses and other persons;
- 12 (i) management of the Victims Trust Fund established under
- 13 section 82 of this Act;
- 14 (j) the prevention of the entry into or transit in Nigeria of the person
- 15 or group; and
- 16 (k) any other matter connected with the implementation of the
- 17 provisions of this Act.

18 **87.** A person who contravenes any regulation made pursuant to  
 19 this Act, commits an offence and is liable on conviction to such  
 20 administrative or other penalties as may be prescribed in the regulations.

Penalties for  
contravention of  
regulations

21 **88.-(1)** The Economic and Financial Crimes Commission  
 22 (Establishment) Act, 2004 is amended by deleting:

Consequential  
amendments

- 23 (a) section 15 of the Act; and
- 24 (b) the word "terrorism" and the meanings ascribed to it under
- 25 section 46 of that Act.

26 (2) Without prejudice to section 6 of the Interpretation Act, the

27 consequential amendments to certain provisions of the Economic and the

28 Economic and Financial Crimes Commission (Establishment) Act, 2004

29 specified in subsection (1) of this section shall not affect anything done

30 under or pursuant to the amended sections.

Repeal of the  
Terrorism  
(Prevention) Act,  
2011 (as  
amended)

1 (3) Every regulation, order, requirement, certificate, notice, direction,  
2 decision, authorisation, consent, application, ongoing cases in the courts,  
3 request or thing made, issued, given or done under the repealed Acts or  
4 amended sections shall, if in force at the commencement of this Act, continue  
5 to be in force and have effect as if made, issued, given or done under the  
6 corresponding provisions of this Act.

7 **89.**-(1) The Terrorism (Prevention) Act, 2011 (as amended) is  
8 repealed.

9 (2) Every regulation, order, requirement, certificate, notice, direction,  
10 decision, authorization, consent, application, ongoing cases in the courts,  
11 request or thing made, issued, given or done under the repealed Act shall, if in  
12 force at the commencement of this Act, continue to be in force and have effect  
13 as if made, issued, given or done under the corresponding provisions of this  
14 Act.

15 (3) Any proceeding, prosecution, sentence, judgment, charge or cause  
16 of action pending or existing immediately before the commencement of this  
17 Act under any of the repealed Act in respect of any right, interest, obligation or  
18 liability, may be continued or commenced, as the case may be, and any  
19 determination of a court of law, tribunal or other authorities or person may be  
20 enforced to the same extent that such proceeding, prosecution, sentence,  
21 judgment, charge, cause of action or determination might have been continued,  
22 commenced or enforced as if this Act had not been made.

Interpretation

23 **90.** In this Act:

24 "act of terrorism" means any act specified in section 2 of this Act;

25 "act of international terrorism" means an act of terrorism involving-

26 (a) a person who is not a citizen of Nigeria;

27 (b) a person who possesses dual citizenship; or

28 (c) groups or individuals whose acts of terrorism are foreign based or  
29 directed by countries or groups outside Nigeria or whose activities transcend  
30 national boundaries;

1 "aircraft in flight" means an aircraft at any time from the moment when all its  
2 external doors are closed following embarkation until the moment when  
3 doors are opened for disembarkation and, in the case of a forced landing, the  
4 flight shall be deemed to continue until the competent authorities take over  
5 the responsibility for the aircraft and for persons and property on board the  
6 aircraft;

7 "aircraft in service" means an aircraft from the beginning of the pre-flight  
8 preparation of the aircraft by ground personnel or by the crew for a specific  
9 flight until twenty-four hours after any landing; the period of service shall,  
10 in any event, extend for the entire period during which the aircraft is in flight.

11 "Attorney - General" means the Attorney-General of the Federation and  
12 Minister of Justice;

13 "authorised persons" means duly authorised officers of a relevant agency;

14 "bank" has the meaning ascribed to it in the Banks and Other Financial  
15 Institutions Act and the reference to an order issued includes a reference to  
16 any order, direction or requirement addressed to the manager of a bank or  
17 any other officer of a bank which directs or purports to direct the manager or  
18 the officer to stop all outward payment, operations or transactions in respect  
19 of any account with that bank;

20 "BCRN weapons" means biological weapons, which are:

21 (a) microbial or other biological agents, or toxins whatever their  
22 origin or method of production, of types and in quantities that have no  
23 justification for prophylactic, protective or other peaceful purposes; or

24 (b) weapons, equipment or means of delivery designed to use such  
25 agents or toxins for hostile purposes or in armed conflict;

26 "BCRN weapons" also means nuclear weapons and other nuclear devices  
27 and chemical

28 weapons', which are, together or separately:

29 (a) toxic chemicals and their precursors, except where intended  
30 for:

1 (i) industrial, agricultural, research, medical, pharmaceutical or other  
2 peaceful purposes,

3 (ii) protective purposes, namely those purposes directly related to  
4 protection against toxic  
5 chemicals and to protection against chemical weapons,

6 (iii) military purposes not connected with the use of chemical  
7 weapons and not dependent on the use of the toxic properties of chemicals as a  
8 method of warfare, or

9 (iv) law enforcement including domestic riot control purposes, as  
10 long as the types and quantities are consistent with such purposes;

11 (b) munitions and devices specifically designed to cause death or  
12 other harm through the toxic properties of those toxic chemicals specified in  
13 paragraph (a) of this definition which would be released as a result of the  
14 employment of such munitions and devices; or

15 (c) any equipment specifically designed for use directly in connection  
16 with the employment of munitions and devices specified in paragraph (b) of  
17 this definition;

18 "communication" means a communication received or transmitted by post or a  
19 telegraphic, telephonic or other communication received or transmitted by  
20 electricity, magnetism or other means;

21 "Counter- Terrorism Convention or Resolution" means any of the following  
22 Conventions or Protocols:

23 (a) Convention on Offences and certain Other Acts committed on  
24 Board Aircraft signed at Tokyo on 14 September 1963;

25 (b) Convention for the Suppression of Unlawful Seizure of Aircraft  
26 done at The Hague on 16 December 1970;

27 (c) Convention for the Suppression of Unlawful Acts Against the  
28 Safety of Civil Aviation, done at Montreal on 23 September 1971;

29 (d) Convention on the Prevention and Punishment of Crimes Against  
30 Internationally Protected Persons, including Diplomatic Agents, adopted by

- 1 the General Assembly of the United Nations on 14 December 1973;
- 2 (e) International Convention against the taking of Hostages,
- 3 adopted by the General Assembly of the United Nations on 17 December
- 4 1979;
- 5 (f) Convention on the Physical Protection of Nuclear Material,
- 6 adopted at Vienna on 3 March 1980;
- 7 (g) Protocol for the Suppression of Unlawful Acts of Violence at
- 8 Airports Serving International Civil Aviation, supplementary to the
- 9 Convention for the Suppression of Unlawful Acts against the Safety of Civil
- 10 Aviation, done at Montreal on 24 February 1988;
- 11 (h) Convention for the Suppression of Unlawful Acts against the
- 12 Safety of Maritime Navigation, done at the Rome on 10 March 1988;
- 13 (i) Protocol for the Suppression of Unlawful Acts against the
- 14 Safety of Fixed Platforms located on the Continental Shelf, done at Rome on
- 15 10 March 1988;
- 16 (j) Convention on the Marking of Plastic Explosives for the
- 17 Purposes of Detection, signed at Montreal, on 1 March 1991;
- 18 (k) International Convention for the Suppression of Terrorist
- 19 Bombings, adopted by the General Assembly of the United Nations on 15
- 20 December 1997;
- 21 (l) International Convention for the Suppression of the Financing
- 22 of Terrorism, adopted by the General Assembly of the United Nations on 9
- 23 December 1999.
- 24 (m) International Convention for the Suppression of Acts of
- 25 Nuclear Terrorism, adopted by the General Assembly of the United Nations
- 26 on 13 April 2005;
- 27 (n) 2005 Protocol to the Convention for the Suppression of
- 28 Unlawful Acts against the Safety of Maritime Navigation, adopted at
- 29 London on 14 October 2005;
- 30 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful

1 Acts against the Safety of Fixed Platforms located on the Continental Shelf,  
2 adopted at London on 14 October 2005;

3 (p) 2005 Amendment to the Convention on the Physical Protection of  
4 Nuclear Material, done at Vienna on 8 July (2005); and

5 (q) United Nations Security Council Resolution 2178 of 2014 or any  
6 successor Resolution;

7 "Constitution" means the Constitution of the Federal Republic of Nigeria,  
8 1999 and its alterations;

9 "Consolidated list" means the list of individuals, groups, undertakings and  
10 entities associated with the Taliban, Usama Bin Laden, the Al-Qaida  
11 organisation or similar organisations that are subject to the sanctions measures  
12 imposed by the Security Council;

13 "conveyance" means an aircraft, vessel, boat, train, ship, vehicle, tricycle or  
14 any other mode of transportation;

15 "Court" means the Federal High Court of Nigeria;

16 "designated non- financial businesses and professions" means:

17 (a) casinos;

18 (b) real estate agents;

19 (c) dealers in precious metals;

20 (d) dealers in precious stones;

21 (e) legal practitioner, notaries or other independent professionals,  
22 including accountants;

23 (f) trust and company service providers which as a business, provide  
24 any of the following services to third parties:

25 (i) acting as a formation agent of legal persons,

26 (ii) acting as, or arranging for another person to act as, a director or  
27 secretary of a company, a partner of a partnership, or a similar position in  
28 relation to other legal persons,

29 (iii) providing a registered office; business address or  
30 accommodation, correspondence or



- 1 administrative address for a company, a partnership or any other legal  
2 person or arrangement,
- 3 (iv) acting as, or arranging for another person to act as, a trustee of  
4 an express trust or performing the equivalent function for another form of  
5 legal arrangement,
- 6 (v) acting as, or arranging for another person to act as, a nominee  
7 shareholder for another person;
- 8 (g) dealers in jewelry, cars and luxury goods,  
9 (h) audit firms,  
10 (i) tax consultants,  
11 (j) clearing and settlement companies,  
12 (k) hotels,  
13 (l) supermarkets,  
14 (m) such other businesses as the appropriate authority may, from  
15 time to time, designate;
- 16 "designated person or entity" means:
- 17 (a) individuals, groups, undertakings and entities designated by the  
18 Committee of the Security Council established pursuant to Resolution 1267  
19 (1999) ("the 1267 Committee"), as being individuals associated with Al  
20 Qaida or entities and other groups and undertakings associated with Al -  
21 Qaida;
- 22 (b) individuals, groups, undertakings and entities designated by the  
23 Committee of the Security Council established pursuant to Resolution 1988  
24 (2011) ("the 1988 Committee") as being associated with the Taliban in  
25 counseling a threat to the peace, stability and security of Afghanistan, or  
26 entities and other groups and undertakings associated with the Taliban;
- 27 (c) any natural or legal person or entity designated by jurisdictions  
28 or a supranational jurisdiction pursuant to Security Council Resolution 1373  
29 (2001);
- 30 (d) any natural or legal person or entity designated for the

1 application of targeted financial sanctions pursuant to Security Council  
2 Resolution 1718 (2006) and its successor resolutions by the Security Council  
3 in annexes to the relevant resolutions, or by the Security Council Committee  
4 established pursuant to resolution 1718 (2006) ("the 1718 Sanctions  
5 Committee") pursuant to Security Council Resolution 1718 (2006), and

6 (e) any natural or legal person or entity designated for the application  
7 of targeted financial sanctions pursuant to Security Council Resolution (1737)  
8 (2006) and its successor resolutions by the Security Council in annexes to the  
9 relevant resolutions, or by the Security Council Committee established  
10 pursuant to paragraph 18 of Resolution 1737 (2006) ("the 1737 Sanctions  
11 Committee") pursuant to Resolution 1737 (2006) and its successor resolutions;  
12 "designation" refers to the identification of a person or entity that is subject to  
13 targeted financial sanctions pursuant to the United Nations Security Council  
14 Resolution 1267 (1999) and its successor resolutions; Security Council  
15 Resolution 1373 (2001), including the determination that the relevant  
16 sanctions will be applied to the person or entity and the public communication  
17 of that determination; Security Council Resolution 1718 (2006) and its  
18 successor resolutions; Security Council Resolution 1737 (2006) and its  
19 successor resolutions; and any future Security Council Resolutions which  
20 impose targeted financial sanctions in the context of the financing of  
21 proliferation of weapons of mass destruction;

22 "device" means:

23 (a) any nuclear explosive device; or

24 (b) any radioactive material dispersal or radiation-emitting device  
25 which may, owing to its radiological properties, cause death, serious bodily  
26 injury or substantial damage to property or to the environment;

27 "Director-General" means the Director-General of the State Security Service;

28 "entity" means a person, group, trust, partnership, fund or any other association  
29 or organisation, whether incorporated or unincorporated, an unincorporated  
30 association or organisation or partnership, for the purpose of providing a

1 product or service either for profit or non-profit;

2 "explosive or other lethal device" means:

3 (a) an explosive or incendiary weapon or device that is designed, or  
4 has the capability, to cause death, serious bodily injury or substantial  
5 material damage; or

6 (b) a weapon or device that is designed, or has the capability, to  
7 cause death, serious bodily injury or substantial material damage through  
8 the release, dissemination or impact of toxic chemicals, biological agents or  
9 toxins or similar substances or radiation or radioactive material.

10 "financial institution" means a person or an entity that conducts as a business  
11 one or more of the activities listed below for or on behalf of a customer:

12 (a) acceptance of deposits and other repayable funds from the  
13 public including private banking;

14 (b) lending, including, but not limited to, consumer credit,  
15 mortgage credit, factoring (with or without recourse), and financing of  
16 commercial transactions, including forfeiting;

17 (c) financial leasing other than with respect to arrangements  
18 relating to consumer products;

19 (d) the transfer of money or value;

20 (e) issuing and managing means of payment, including, but not  
21 limited to, credit and debit cards, travellers' cheques, money orders and  
22 bankers' drafts, and electronic money;

23 (f) issuing financial guarantees and commitments;

24 (g) trading in:

25 (i) money market instruments, including, but not limited to,  
26 cheques, bills, certificates of deposit and derivatives,

27 (ii) foreign exchange,

28 (iii) exchange, interest rate and index instruments,

29 (iv) transferable securities, and

30 (v) commodity futures trading;

1 (h) participation in securities issues and the provision of financial  
2 services related to those issues;

3 (i) individual and collective portfolio management;

4 (j) safekeeping and administration of cash or liquid securities on  
5 behalf of other persons;

6 (k) investing, administering or managing funds or money on behalf of  
7 other persons;

8 (l) underwriting and placement of life insurance and other investment  
9 related insurance, including insurance intermediation by agents and brokers;

10 (m) financial consultancy,

11 (n) pension funds management;

12 (o) money and currency changing; and

13 (p) such other business as the Central Bank, or other appropriate  
14 regulatory authorities, may, from time to time, designate;

15 "fixed platform" means an artificial island, installation or structure  
16 permanently attached to the sea-bed for the purpose of exploration or  
17 exploitation of resources or for other economic purposes;

18 "forfeiture" means an order in rem, following conviction for an offence to  
19 forfeit to the State property, assets or funds that are the proceeds of crime or  
20 instrumentalities of an offence;

21 "freeze" means to prohibit the transfer, conversion, disposition or movement of  
22 any property, equipment or other instrumentalities on the basis of, and for the  
23 duration of the validity of, an action initiated by a relevant agency or the  
24 Attorney-General under a freezing mechanism, or until a forfeiture order is  
25 made by a court as part of the implementation of a freezing measure, the  
26 relevant agency may decide to take control of the property, equipment,  
27 instrumentalities, funds or other assets as a means to protect against flight or  
28 destruction by the original owner or a third party;

29 "funds" means any assets, of every kind, whether corporeal or incorporeal,  
30 tangible or intangible, movable or immovable, however acquired, and legal

1 documents or instruments in any form, including electronic or digital,  
2 evidencing title to, or interest in the assets; including financial assets,  
3 economic resources, property of every kind, bank credits, travelers cheques,  
4 bank cheques, money orders, shares, securities, bonds, drafts, or letters of  
5 credit, and any interest, dividends or other income on or value accruing from  
6 or generated by such funds or other assets;

7 "Government" means the Government of the Federal Republic of Nigeria  
8 and includes any State or Local Government, or any appropriate  
9 government authority;

10 "incitement" means to urge on, stir-up, instigate a person or group of persons  
11 to commit an act of terrorism or to distribute, publish or otherwise make  
12 available, a communication to a person or group of persons, with the intent  
13 to induce the commission of an act of terrorism, where the conduct, whether  
14 or not directly advocating acts of terrorism, causes a risk that one or more of  
15 those acts may be committed."

16 "Infrastructure facility" means any publicly or privately owned facility  
17 providing or distributing services, including water, sewage, energy, fuel or  
18 communications, for the benefit of the public;

19 "internationally protected person" means:

20 (a) a Head of State, including any member of a collegial body  
21 performing the functions of a Head of State under the Constitution of the  
22 State concerned, a Head of Government or a Minister for Foreign Affairs,  
23 whenever the person is in a foreign State, and includes members of his  
24 family who accompany him; or

25 (b) a representative or official of a State or an official or other agent  
26 of an international organisation of an inter-governmental character who, at  
27 the time when and in the place where a crime against him, his official  
28 premises, his private accommodation or his means of transport is  
29 committed, is entitled pursuant to international law to special protection  
30 from any attack on his person, freedom or dignity, and includes members of

- 1 his family forming part of his household.
- 2 "International treaties" means:
- 3 (a) 1963 Convention on Offences and Certain Other Acts Committed
- 4 On Board Aircraft;
- 5 (b) 1970 Convention for the Suppression of Unlawful Seizure of
- 6 Aircraft ("Aircraft Convention");
- 7 (c) 1971 Convention for the Suppression of Unlawful Acts against the
- 8 Safety of Civil Aviation ("Civil Aviation Convention");
- 9 (d) 1973 Convention on the Prevention and Punishment of Crimes
- 10 Against Internationally Protected Persons ("Diplomatic Agents Convention");
- 11 (e) 1979 International Convention against the Taking of Hostages
- 12 ("Hostage Convention");
- 13 (f) 1980 Convention on the Physical Protection of Nuclear Material
- 14 ("Physical Protection Convention");
- 15 (g) 1988 Protocol for the Suppression of Unlawful Acts of Violence at
- 16 Airports Serving International Civil Aviation, supplementary to the
- 17 Convention for the Suppression of Unlawful Acts against the Safety of Civil
- 18 Aviation ("Airport Protocol");
- 19 (h) 1988 Convention for the Suppression of Unlawful Acts against the
- 20 Safety of Maritime Navigation ("Maritime Convention");
- 21 (i) 1988 Protocol for the Suppression of Unlawful Acts Against the
- 22 Safety of Fixed Platforms Located on the Continental Shelf ("Fixed Platforms
- 23 Protocol");
- 24 (j) 1991 Convention on the Marking of Plastic Explosives for the
- 25 Purpose of Detection;
- 26 (k) 1997 International Convention for the Suppression of Terrorist
- 27 Bombings ("Bombings Convention");
- 28 (l) 1999 International Convention for the Suppression of the
- 29 Financing of Terrorism ("Financing Convention");
- 30 (m) 2005 International Convention for the Suppression of Acts of

- 1 Nuclear Terrorism ("Nuclear Terrorism Convention");
- 2 (n) 2005 Protocol to the Convention for the Suppression of
- 3 Unlawful Acts against the Safety of Maritime Navigation ("2005 Maritime
- 4 Protocol");
- 5 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful
- 6 Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 7 ("2005 Fixed Platforms protocol");
- 8 (p) 2005 Amendment to the Convention on the Physical Protection
- 9 of Nuclear Material ("Physical Protection Amendment"); and
- 10 (q) United Nations Security Council Resolution 2178, 2014;
- 11 "master" in relation to a vessel, means the owner or person, except a harbour
- 12 master or pilot, having for the time being command or charge of the vessel;
- 13 "National Security Adviser" means the National Security Adviser to the
- 14 President;
- 15 "nuclear facility" means:
- 16 (a) a nuclear reactor, including reactors installed on vessels,
- 17 vehicles, aircraft or space objects for use as an energy source in order to
- 18 propel such vessels, vehicles, aircraft or space objects or for any other
- 19 purposes; or
- 20 (b) a plant or conveyance being used for the production, storage,
- 21 processing or transport of radioactive material;
- 22 "nuclear material" means plutonium except that with isotopic concentration
- 23 exceeding 80% in plutonium-238; uranium-233; uranium enriched in the
- 24 isotope 235 or 233; uranium containing the mixture of isotopes as occurring
- 25 in nature other than in the form of ore or ore-residue; any material containing
- 26 one or more of the foregoing;
- 27 "operator" in relation to an aircraft, means the owner or person for the time
- 28 being in charge, in command or control of the aircraft;
- 29 "place of public use" means those parts of any building, land, street,
- 30 waterway or other location that are accessible or open to members of the

1 public, whether continuously, periodically or occasionally, and encompasses  
2 any commercial, business, cultural, historical, educational, religious,  
3 governmental, entertainment, recreational or similar place that is so accessible  
4 or open to the public;

5 "precursor" means any chemical reactant which takes part at any stage in the  
6 production by whatever method of a toxic chemical. This includes any key  
7 component of a binary or multi-component chemical system;.

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

9 "proceeds" means any funds derived from or obtained, directly or indirectly,  
10 through the commission of an offence under this Act;

11 "proceeds of terrorism" means any funds or property derived from or obtained,  
12 directly or indirectly, through the commission of a terrorist offence irrespective  
13 of the person in whose names the proceeds are standing or in whose possession  
14 they are found;

15 "property" means any asset of every kind, whether corporeal or incorporeal,  
16 moveable or immovable, tangible or intangible, and legal documents or  
17 instruments in any form, including electronic or digital, evidencing title to, or  
18 interest in, the assets and bank credits, travellers cheques, bank cheques,  
19 money orders, shares, securities, bonds, drafts and letters of credit;

20 "proscribed entity" means an entity which has been designated to be a  
21 proscribed entity under section 45 of this Act or any other law and includes a  
22 group or entity which has been designated to be an international terrorist group  
23 under this Act;

24 "public transportation system" means all facilities, conveyances and  
25 instrumentalities, whether public or privately owned, that are used in or for  
26 publicly available services for the transportation of persons or cargo;

27 "radioactive material" means nuclear material and other radioactive  
28 substances which contain nuclides which undergo spontaneous disintegration  
29 (a process accompanied by emission of one or more types of ionizing radiation,  
30 such as alpha-, beta-, neutron particles, and gamma rays) and which may,



1       owing to their radiological or fissile properties, cause death, serious bodily  
2       injury or substantial damage to property or to the environment;  
3       "relevant agency" means law enforcement, intelligence or security agency  
4       and includes the:

- 5               (a) National Security Adviser;
- 6               (b) National Counter-Terrorism Centre;
- 7               (c) National Agency for the Prohibition of Traffic in Persons;
- 8               (d) State Security Services;
- 9               (e) Defence Intelligence Agency;
- 10              (f) Nigeria Police Force;
- 11              (g) National Intelligence Agency;
- 12              (h) Nigeria Customs Service;
- 13              (i) Nigeria Immigration Service;
- 14              (j) Nigeria Prisons Service;
- 15              (k) Nigerian Security and Civil Defence Corps;
- 16              (l) agency dealing with the recovery of proceeds of crimes; and
- 17              (m) any military authority or body as may be required for the  
18       purpose of this Act;

19       "relevant laws or enactments" means:

- 20              (a) Banks and Other Financial Institutions Act (as amended);
- 21              (b) Economic and Financial Crimes Commission (Establishment,  
22       Etc.) Act;
- 23              (c) Insurance Act;
- 24              (d) Investments and Securities Act;
- 25              (e) National Insurance Commission Act;
- 26              (f) Money Laundering (Prohibition and Prevention) Act;
- 27              (g) Companies and Allied Matters Act;
- 28              (h) Central Bank of Nigeria Act;
- 29              (i) National Security Agencies Act;

1 (j) all International Conventions and Protocols ratified by Nigeria;

2 and

3 (k) any other relevant enactment of the National Assembly;

4 "Sanctions Committee" means the Nigeria Sanctions Committee established  
5 under section 50 of this Act;

6 "seizure or seizure order" means the order enabling a relevant agency to seize  
7 terrorist property or funds upon arrest or application for seizure order of a  
8 terrorist property or funds pending the determination of a case against the  
9 terrorist or terrorist groups;

10 "ship" means a vessel of any type whatsoever not permanently attached to the  
11 sea-bed, including dynamically supported craft, submersibles, or any other  
12 floating craft.

13 "specially designated entity" means a specified or designated entity in respect  
14 of which an order under section 30 of this Act has been made, or is considered  
15 by reason of the operation of that section to have been made, and is for the time  
16 being in force and includes national and international terrorist groups;

17 "State or government facility" means any permanent or temporary facility or  
18 conveyance that is used or occupied by representatives of a State, members of  
19 Government, the legislature or the judiciary or by officials or employees of a  
20 State or any other public authority or entity or by or officials of an  
21 intergovernmental organisation in connection with their official "terrorist"  
22 means any natural person who:

23 (a) directly or indirectly, unlawfully and willfully:

24 (i) commits, or attempts to commit, an act of terrorism by any means,

25 (ii) participates as an accomplice in an act of terrorism,

26 (iii) organises or directs others to commit an act of terrorism; or

27 (b) contributes to the commission of an act of terrorism where the  
28 contribution is made intentionally and with the aim of furthering the act of  
29 terrorism or with the knowledge of the intention to commit an act of terrorism;

30 "terrorist property" means:

- 1 (a) proceeds from the commission of an act of terrorism;
- 2 (b) property which has been, is being, or is likely to be used to
- 3 commit an act of terrorism;
- 4 (c) property which has been, is being, or is likely to be used by a
- 5 terrorist group;
- 6 (d) property owned or controlled by or on behalf of a terrorist
- 7 group; or
- 8 (e) property which has been collected for the purpose of providing
- 9 support to a terrorist group or funding a terrorist act;
- 10 "terrorist investigation" means an investigation of:
- 11 (a) the commission, perpetration or instigation of an act of
- 12 terrorism or any other offence under this Act;
- 13 (b) any act or omission reasonably suspected to have been done in
- 14 furtherance of an act of terrorism or any other offence under this Act; or
- 15 (c) the resources of a proscribed organisation;
- 16 "terrorist group or entity" means any group of terrorists that:
- 17 (a) directly or indirectly, willfully:
- 18 (i) commits, or attempts to commit, an act of terrorism by any
- 19 means,
- 20 (ii) participates as an accomplice in an act of terrorism, or
- 21 (iii) organises or directs others to commit an act of terrorism; or
- 22 (b) contributes to the commission of an act of terrorism acting with
- 23 a common purpose where the contribution is made intentionally and with the
- 24 aim of furthering the act of terrorism or with the knowledge of the intention
- 25 of the group to commit an act of terrorism;
- 26 "toxic chemical" means any chemical which through its chemical action on
- 27 life processes can cause death, temporary incapacitation or permanent harm
- 28 to humans or animals and includes all chemicals, regardless of their origin or
- 29 of their method of production, and regardless of whether they are produced
- 30 in facilities, in munitions or elsewhere;

1 "transport" means to initiate, arrange or exercise effective control, including  
2 decision-making authority, over the movement of a person or item;  
3 "trustee" has the same meaning as in the Trustees Investment Act, Investment  
4 and Securities Act and the Companies and Allied Matters Act;  
5 "uranium enriched in the isotope 235 or 233" means uranium containing the  
6 isotope 235 or 233 or both in an amount such that the abundance ratio of the  
7 sum of these isotopes to the isotope 238 is greater than the ratio of the isotope  
8 235 to the isotope 238 occurring in nature;  
9 "vessel" means anything made or adapted for the conveyance by water of  
10 people or property;  
11 "victim" means individuals, entities or communities or their next-of-kin who  
12 are directly affected, killed or injured or whose business, premises or  
13 infrastructure was destroyed by acts of terrorism or by a direct effect of a  
14 terrorist attack; and  
15 "weapon" includes a firearm, explosive, chemical, biological or nuclear  
16 weapon.

Short title

17 **91.** This Bill may be cited as the Terrorism (Prevention and  
18 Prohibition) Bill, 2019.



[illegible]

12. Amount held in own account N
- (i) Cash in hand .....
- (ii) Cash at bank .....
- (iii) Outside Nigeria (Countries /Bank to be named .....
13. Amount held on behalf of or as trustee for any person other than your wife/husband
- (I) Cash in hand .....
- (ii)Cash at bank .....
- (iii) Outside Nigeria (Countries /Bank to be named .....
14. Loans or advances made .....
15. Loans or advances received .....
16. Amount held on behalf of or as trustee of wife/husband
- (i) Cash in hand .....
- (ii) Cash at bank .....
- (iii) Outside Nigeria (Countries/Banks to be named)
17. Wife's/husband's/children's account held (beneficial or otherwise)
- (i) Cash in hand .....
- (ii)Cash at bank .....
- (iii) Outside Nigeria (Countries /Bank to be named .....
18. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firm and partnerships):
- (a) by you (here state the bonds, etc.)
- (b) by Wife (wives)/husband\* (here state the bonds, etc.)
- (c) by children (here state the bonds, etc.).
19. Property in Nigeria in which you are interested in giving date when acquired:
- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any).
20. Membership, ownership, directorship, shareholding, or other related interest in:
- (i) A company incorporated in Nigeria
- (ii) A company incorporated outside Nigeria

(iii) A partnership or sole proprietorship

21. Property outside Nigeria in which you are interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

22. Property outside Nigeria in which any wife/husband\* is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

23. Property outside Nigeria III which any wife/husband \* is interested in giving date when acquired

(i) Land

(ii) Buildings

(ill) Other property, (if any)

24. Property in Nigeria in which any child of yours is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

25. Property outside Nigeria III which any child of yours is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

26. Names of other dependant relatives:

27. Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

28. Property held by any person on your behalf- (in or outside Nigeria)

(i) Cash in hand;

(ii) Cash at bank;

(iii) Land:

(iv) Buildings:

(v) Other properties.



If outside Nigeria, insert name of countries and banks.

Signature of Accused Person .....

Signature and Address of Witness .....

#### FORM 2

#### FREEZING ORDER

[Section 72 (1)]

(This form may be amended according to circumstances)

To the Manager .....

*(Here insert name and branch of bank)*

Under the authority conferred on me by section.....Act, you are hereby ordered:

(a) to supply the following information relating to the under mentioned accounts, that is to say:..... *(Here set out the information required in respect of named accounts)*

(b) to produce the books and documents relating to the under mentioned accounts, that is to say:..... *(Here set out the books and documents to be produced in respect of named accounts)*

(c) to stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary course of banking in respect of the following accounts:

..... *(Here indicate the accounts)*

2. This order shall remain in force until revoked

DATED at ..... this day of ..... 20.....

Director - General

#### EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to explain its purport)*

This Bill repeals the Terrorism (Prevention) Act, 2011 (as amended), and enacts the Terrorism (Prevention and Prohibition) Act, 2018 to provide for measures for the detection, prevention, combating and prohibition of acts of terrorism for the effective implementation of the international instruments on the prevention and combating of terrorism and suppression of the financing of terrorism. The Act establishes institutional framework, including the Nigeria Sanctions Committee for the implementation, coordination and enforcement of the provisions of the Act.



CHARTERED INSTITUTE OF TREASURY MANAGEMENT  
(ESTABLISHMENT) BILL, 2019  
ARRANGEMENT OF SECTIONS

*Section:*

PART I - ESTABLISHMENT OF THE INSTITUTE OF TREASURY  
MANAGEMENT

1. Establishment of the Chartered Institute of Treasury Management
2. Membership of the Institute
3. Membership privileges
4. Principal officers of the Institute and their responsibilities
5. Establishment of the Governing Council
6. Board of Fellows

PART II - FINANCIAL PROVISIONS

7. Fund of the Institute
8. Power to borrow
9. Accounts and audit

PART III - REGISTRAR AND REGISTER

10. Appointment, duties and responsibility of the Registrar
11. Publication of register and list of corrections
12. Qualification for membership
13. Approval of qualification for membership

PART IV - MISCELLANEOUS PROVISIONS

14. Appointment of visitation panel
  15. Establishment of a Disciplinary Tribunal and Investigating Panel
  16. Penalties for unprofessional conduct
  17. When a person deemed to practise as a professional treasury management practitioner
  18. Rules of practice
  19. Honourary membership
  20. Library facilities
  21. Rules and regulations
  22. Transfer of property
  23. Interpretation
  24. Citation
- Schedules



# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF TREASURY MANAGEMENT FOR THE PROMOTION, STUDY AND PRACTICE OF PROPER MANAGEMENT OF THE TREASURY AS A SAFEGUARD AGAINST FRAUD, EMBEZZLEMENT, EMASCULATION, MISAPPROPRIATION OR MISAPPLICATION OF RESOURCES PLACED IN THE CUSTODY OF FUND MANAGERS; AND FOR RELATED MATTERS

*Sponsored by Hon Mohammed Tahir Monguno*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE CHARTERED INSTITUTE OF  
2 TREASURY MANAGEMENT

3 1.-(1)There is established the Chartered Institute of Treasury  
4 Management (in this Act referred to as "the Institute") which-

Establishment  
of the Chartered  
Institute of Treasury  
Management

5 (a) shall be a body corporate with-

6 (i) perpetual succession, and

7 (ii) a common seal which shall be kept in such custody as the  
8 Council may direct;

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

10 (c) may acquire, hold and dispose of any property, moveable or  
11 immovable.

12 (2) The Institute shall have the general duty of-

13 (a) determining the level of knowledge and skills to be attained by  
14 persons seeking to become members of the profession and reviewing such  
15 standards from time to time as may be required;

16 (b) establishing and maintaining of register of members and the  
17 publication of the register in line with the provisions of this Act;

	1	(c) regulating the practice of treasury management in its
	2	ramifications; and
	3	(d) performing all other functions conferred on the Council pursuant
	4	to the provisions of this Act.
Membership of the Institute	5	<b>2.-(1)</b> Subject to the provisions of section 12 of this Act, a person
	6	admitted to membership of the Institute shall be registered as a member of the
	7	profession in the category of-
	8	(a) Fellows;
	9	(b) Full Members;
	10	(c) Associate Members;
	11	(d) Graduate Members;
	12	(e) Student Members; or
	13	(f) Corporate or Institutional Members.
	14	(2) Every member of the Institute in all the categories listed in
	15	subsection (1) shall attend Mandatory Continuous Professional Training
	16	Programme (MCPTP) as specified by the Council for reorientation and
	17	development processes.
Membership privileges	18	<b>3.-(1)</b> A member of the Institute is entitled to receive, from the
	19	Council, a certificate in such form as the Council may approve for that purpose.
	20	(2) A member is entitled to use such letters after his name as may be authorised
	21	by the Council and, if registered into the category of-
	22	(a) Fellows, he shall use the initials, "FITM";
	23	(b) Full Members, he shall use the initials, "MITM"; and
	24	(c) Associate Members, he shall use the initials, "AMITM".
Principal officers of the Institute and their responsibilities	25	<b>4.-(1)</b> The Principal Officers of the Institute are-
	26	(a) President;
	27	(b) Deputy President; and
	28	(c) National Treasurer.
	29	(2) The Principal Officers shall-
	30	(a) be members of the Institute;

1 (b) be elected at the Annual General Meeting (AGM) of the  
2 Institute; and

3 (c) hold office each for a term of two years and may be eligible for  
4 re-election for one further term and no more.

5 (3) The President shall be the Chairman at the meetings of the  
6 Institute and, in the event of the death, incapacitation or inability for any  
7 reason of the President to perform the functions of his office, the Deputy  
8 President shall act in his place for the unexpired portion of the term of office  
9 or as the case may require, and references in this Act to the President shall be  
10 construed accordingly.

11 (4) The President, Deputy President, and the National Treasurer  
12 shall be the Chairman, Deputy Chairman and the Treasurer of Council  
13 respectively.

14 (5) If the President, the Deputy President, or the National Treasurer  
15 ceases to be a member of the Institute, he shall cease to hold any office  
16 designated under this section.

17 5.-(1) There is established for the Institute a Governing Council (in  
18 this Act referred to as "the Council") charged with responsibility for the  
19 administration and general management of the Institute.

Establishment  
of the Governing  
Council

20 (2) The Council shall consist of-

21 (a) the President of the Institute as Chairman;

22 (b) the Deputy President of the Institute as Vice-Chairman;

23 (c) the Treasurer;

24 (d) two Vice Presidents;

25 (e) one person each, representing the-

26 (i) Federal Ministry of Education,

27 (ii) Federal Ministry of Employment, Labour and Productivity, and

28 (iii) Federal Ministry of Finance;

29 (f) six zonal chairmen elected every two years from the six geo-  
30 political zones;

	1	(g) 12 members of the Institute elected at the AGM;
	2	(h) seven corporate members nominated by the Council;
	3	(i) three educational and training Institutions nominated by the
	4	Council;
	5	(j) Chairman, Board of Fellows; and
	6	(k) the immediate past President of the Institute and Chairman of the
	7	Council.
First Schedule	8	(3) The provisions of the First Schedule to this Act shall have effect
	9	with respect to the qualifications and tenure of office of members of the
	10	Council and other matters mentioned in the First Schedule.
Board of Fellows	11	6.-(1) There shall be appointed annually by the Council a Board of
	12	Fellows to coordinate the activities of Fellows of the Institute and to
	13	recommend to the Council on a yearly basis admission of members to the
	14	membership category of Fellows.
	15	(2) The Board of Fellows shall consist of persons who have been duly
	16	elected as Fellows of the Institute.
	17	PART II - FINANCIAL PROVISIONS
Fund of the Institute	18	7.-(1) The Council shall establish and maintain a Fund, the
	19	management and control of which shall be in the hands of the Council and into
	20	which shall be paid-
	21	(a) all fees and other money payable to the Institute under this Act; and
	22	(b) all revenue from other sources both local and international.
	23	(2) There shall be paid out of the Fund of the Institute-
	24	(a) all expenditure incurred by the Council in the discharge of its
	25	functions under the Act;
	26	(b) the remuneration and other allowances of the Registrar and other
	27	staff of the Institute; and
	28	(c) such reasonable traveling and subsistence allowances of members
	29	of the Council in respect of the time spent on the duties of the Council as the
	30	Council may determine.



1 (3) The Council may invest money in any bond or other security  
 2 created, issued by, or guaranteed on behalf of the Federal Government or in  
 3 any other securities in Nigeria approved by the Council.

4 **8.** The Council may borrow money for the purposes of the Institute Power to borrow  
 5 and any interest payable on the money borrowed shall be paid out of the  
 6 Fund.

7 **9.-(1)** The Council shall keep proper accounts on behalf of the Accounts and  
audit  
 8 Institute in respect of each year and proper records in relation to those  
 9 accounts and the Council shall cause the accounts to be audited by an auditor  
 10 appointed from the list and in accordance with the guidelines supplied by the  
 11 Auditor-General for the Federation.

12 (2) The report of the audited accounts shall be submitted to the  
 13 members of the Institute for approval by them at a meeting of the Institute.

14 (3) The auditor appointed for the purpose of this section shall not  
 15 be a member of the Council.

#### 16 PART III - REGISTRAR AND THE REGISTER

17 **10.-(1)** The Council shall appoint a fit and proper person as the Appointment,  
duties and  
responsibility of  
the Registrar  
 18 Registrar of the Institute for the purpose of this Act.

19 (2) The Registrar shall be a-

20 (a) financial member of the Institute; and

21 (b) Fellow of the Institute.

22 (3) The Registrar shall be the Chief Executive of the Institute and  
 23 Secretary to the Council.

24 (4) The Registrar shall prepare and maintain, in accordance with  
 25 the rules made by the Council under subsection (5), a register of names,  
 26 addresses, approved qualifications and other relevant requirements as may  
 27 be specified from time to time for all persons who are enrolled as Fellows,  
 28 Full Members, Associate Members and Graduate Members of the Institute.

29 (5) The Council shall make rules as to the form and keeping of the  
 30 register and the making of entries thereon in particular for-

Publication of  
register and list  
of corrections

- 1 (a) application for enrolment;
- 2 (b) determining the qualification which is relevant to the profession
- 3 and accepted for the purpose of this Act; and
- 4 (c) specifying the fees and subscription to be paid to the Institute in
- 5 respect of the entry of names into the register and authorising the Registrar to
- 6 refuse to enter any name until a specified fee is paid.
- 7 **11.-(1)** The Registrar shall-
- 8 (a) correct in accordance with the Council's direction, any entry in the
- 9 register which the Council directs him to correct as being in the Council's
- 10 opinion an entry which is incorrectly made;
- 11 (b) make, from time to time, any alterations in the registered
- 12 particulars of registered members;
- 13 (c) remove from the register, the name of a registered member who
- 14 has died or a person whose name is directed to be struck off as a result of
- 15 disciplinary action;
- 16 (d) record the names of members of the Institute who are in default for
- 17 more than four years in the payment of annual subscription and to take such
- 18 actions as may be deemed fit under this Act;
- 19 (e) cause the register to be printed, published and put on sale to
- 20 members of the public not later than two months from the commencement of
- 21 this Act;
- 22 (f) subsequently, in each year after the year in which the register is
- 23 first published under paragraph (a), cause to be printed, published and put on
- 24 sale either a corrected edition of the register or a list of corrections made to the
- 25 register since it was last printed;
- 26 (g) cause a print of each edition of the register and of its list of
- 27 corrections to be deposited at the principal office of the Institute; and
- 28 (h) keep the register and list so deposited and make the register and list
- 29 available, at all reasonable times, for inspection by members of the public,
- 30 either physically or virtually through an internet portal.

1 (2) A document purporting to be a print of an edition of the register  
2 published under this section by authority of the Registrar, or document  
3 purporting to be print of an edition so published, shall without prejudice to  
4 any other mode of proof, be admissible in any proceeding as evidence that  
5 any person specified in the documents read together, as being registered was  
6 so registered at the date of the edition or of the list of corrections as the case  
7 may be, and that any person not so specified was not so registered.

8 (3) Where a person is, in any proceeding, shown to have been or not  
9 to have been registered at a particular date, he shall, unless the contrary is  
10 proved, be taken for the purpose of those proceedings as having at all  
11 material times thereafter continued to be, or not to be, so registered.

12 **12.** -(1) Subject to the provisions of this Act, an individual is Qualification for  
13 eligible to be registered as a treasury manager if he- membership

14 (a) passes the qualifying examination accepted by the Council;

15 (b) completes the practical training prescribed by the Institute  
16 under this Act;

17 (c) holds any other qualification accepted by the Institute for the  
18 time being; or

19 (d) qualifies for enrolment as a member in any of the categories  
20 specified for the purposes of this Act.

21 (2) An applicant shall, in addition to evidence of qualification,  
22 satisfy the Council that-

23 (a) he is of good character;

24 (b) has attained the age of 21 years; and

25 (c) has not been convicted by any court of law in Nigeria or  
26 elsewhere for an offence involving fraud or dishonesty.

27 **13.**-(1) The Council shall, from time to time, publish particulars of Approval of  
28 qualifications accepted by the Council for registration. qualification  
for membership

29 (2) The Council shall approve any institution for the purpose of this  
30 Act, and may for such purpose approve-

1 (a) any course of training at an approved institution which is intended  
2 for persons seeking to become or are already treasury management  
3 practitioners and which the Council considers as designed to confer on persons  
4 relevant and sufficient knowledge and skills for admission into the Institute; or

5 (b) any qualification which, as a result of an examination taken in  
6 conjunction with a course of training approved by the Council under this  
7 section, is granted to candidates reaching a standard at the examination  
8 indicating in the opinion of the members of the Council, that the candidates  
9 have sufficient knowledge and skill to practice the profession.

10 (3) The Council may, if it deems fit, withdraw any approval given  
11 under this section in respect of any course, qualification or institution, but  
12 before withdrawing the approval, the Council shall-

13 (a) give notice that it proposes to withdraw the approval to each  
14 person in Nigeria appearing to the Council to be a person by whom the course is  
15 conducted or the qualification is granted or the Institution is controlled, as the  
16 case may be;

17 (b) give the person an opportunity of making representation to the  
18 Council with regard to the proposal; and

19 (c) take into consideration any representation made in respect of the  
20 proposal.

21 (4) Any period during which the approval of the Council under this  
22 section for a course, qualification or institution is withdrawn, the course,  
23 qualification or institution shall not be treated as approved under this section,  
24 but the withdrawal of such an approval shall not prejudice the registration or  
25 eligibility for registration of any person who by virtue of the approval was  
26 registered or eligible for registration immediately before the approval was  
27 withdrawn.

28 (5) The giving or withdrawal of an approval under this section shall  
29 have effect from such date, either before or after the execution of the  
30 instrument signifying the giving or withdrawal of the approval, as the Council

1 may specify in that instrument, and the Council shall-

2 (a) publish, as soon as possible, a copy of every such instrument in  
3 the print media; and

4 (b) not later than seven days before its publication, send a copy of  
5 the instrument to the Minister.

6 (6) The members of the Council shall keep themselves informed of  
7 the nature of -

8 (a) the instruction given at approved institutions to persons  
9 attending approved courses of training; and

10 (b) the examination as a result of which approved qualifications are  
11 granted, and for the purpose of performing that duty, the Council may  
12 appoint, either from among its own member or otherwise, persons to visit  
13 approved institutions, or to attend such examinations.

14 PART IV - MISCELLANEOUS PROVISIONS

15 **14.** -(1) The Council shall set up a Visitation Panel which shall, Visitation Panel  
16 from time to time, report to the Council on-

17 (a) the sufficiency of the instruction given to persons attending the  
18 approved course of training at the institution visited,

19 (b) the sufficiency of the examinations attended, and

20 (c) any other matter relating to the institution or examination on  
21 which the Council may, either generally or in a particular case, request the  
22 Visitation Panel to report, but the Visitation Panel shall not interfere with  
23 the giving of any instruction or the holding of any examination.

24 (2) On receiving a report made under this section, the Council may,  
25 if it deems fit, and shall, if so required by the Institute, send a copy of the  
26 report to the person appearing to the Council to be in charge of the Institution  
27 or responsible for the examination to which the report relates, requesting  
28 that person to make observations on the report to the Council within the  
29 period as may be specified in the request, not being less than one month  
30 beginning with the date of request.

Establishment  
of a Investigating  
Panel and  
Disciplinary  
Tribunal

1                   **15.-(1)** There is established the Chartered Institute of Treasury  
2 Management Investigating Panel (in this Act referred to as "the Panel"),  
3 charged with the duty of:

4                   (a) conducting preliminary investigation into any case where it is  
5 alleged that a person registered has misbehaved in that person's capacity as  
6 member or shall for any other reason, be subject of proceedings before the  
7 Tribunal; and

8                   (b) deciding whether the case may be referred to the Tribunal.

9                   (2) The Panel shall be appointed by the Council and shall consist of  
10 two members of the Council and three registered members who are not  
11 members of the Council.

12                   (3) There is established the Chartered Institute of Treasury  
13 Management Disciplinary Tribunal (in this Act referred to as "the Tribunal")  
14 charged with the duty of considering and determining any case referred to it by  
15 the Investigating Panel established under subsection (1).

16                   (4) The Tribunal shall consist of the Chairman of the Council and six  
17 other members appointed by the Council, one of who may be a legal  
18 practitioner with at least 10 years post call experience.

Third Schedule

19                   (5) The provisions of the Third Schedule to this Act shall, so far as  
20 applicable to the Tribunal and Panel respectively, have effect with respect to  
21 those bodies.

Penalties for  
unprofessional  
conduct

22                   **16.-(1)** Where-

23                   (a) a member is adjudged by the Tribunal to be guilty of infamous  
24 conduct in any professional respect,

25                   (b) a member is convicted by any court of law in Nigeria or elsewhere,  
26 having powers to award imprisonment for an offence (whether or not  
27 punishable with imprisonment) which, in the opinion of the Tribunal, is  
28 incompatible with the status of a professional treasury consultant, or

29                   (c) the Tribunal is satisfied that the name of any person has been  
30 fraudulently registered,

1 the Tribunal may, if it deems fit, give a direction reprimanding that person or  
2 ordering the Registrar to strike his name off the register.

3 (2) The Tribunal may, if it deems fit, defer its decision as to the  
4 action taken under subsection (1) of this section until a subsequent meeting  
5 of the Tribunal, but-

6 (a) no decision shall be deferred under this provision for a period  
7 exceeding one year; and

8 (b) no person shall be a member of the Tribunal for the purpose of  
9 reaching a verdict on a deferred or further deferred decision unless he was  
10 present as a member of the Tribunal when the decision was deferred.

11 (3) For the purpose of subsection (1) (b), a person shall not be  
12 treated as a convict unless the conviction stands at a point where no appeal or  
13 further appeal is pending or may (without extension of time) be brought in  
14 connection with the conviction.

15 (4) When the Tribunal gives a directive for the purpose of effecting  
16 penalties for unprofessional conduct, the Tribunal shall cause notice of the  
17 directive to be served on the person to whom it relates.

18 (5) The person to whom such a directive relates, at any time within  
19 28 days from the date of service on him of notice of the directive, may appeal  
20 against the directive to the Federal High Court and the Tribunal may appear  
21 as respondent to the appeal and, for the purpose of enabling directive to be  
22 given as to the costs of the appeal and proceeding before the Federal High  
23 Court, the Tribunal shall be deemed to be a party to the appeal whether or not  
24 it appears on the hearing of the appeal.

25 (6) A directive of the Tribunal under subsection (1) shall take effect  
26 where-

27 (a) no appeal under this section is brought against the directive  
28 within the time limited for such an appeal, or at the expiration of the time;

29 (b) such an appeal is brought and is withdrawn or struck out for  
30 want of prosecution, or dismissed for lack of merit; or

1 (c) an appeal is brought and is not withdrawn or struck out, if and  
2 when the appeal is dismissed, shall not take effect under the provision of this  
3 section.

4 (7) A person whose name is removed from the register following a  
5 directive of the Tribunal under this section is not entitled to be registered again  
6 except in pursuant to a direction in that behalf given by the Tribunal on the  
7 application of that person and a directive under this section for the removal of a  
8 person's name from the register may prohibit an application under this  
9 subsection by that person until the expiration of that period from the date of the  
10 direction (and where he has duly made an application, from the date of his last  
11 application) as may be specified in the direction.

When a person  
is deemed to  
practise as a  
professional  
treasury  
management  
practitioner

12 17.-(1) From the commencement of this Act, any person who was not  
13 a member of the Institute before this Act and who under this Act, is qualified to  
14 apply for and obtain membership of the profession may, within the period of  
15 three months beginning with the date of the commencement of this Act, apply  
16 for membership of the Institute in the manner prescribed by the Council and if  
17 approved, he shall be enrolled or registered, as the case may be, according to  
18 the person's qualification.

19 (2) A person shall be deemed to be a professional treasury  
20 management practitioner if, for consideration of remuneration to be received  
21 whether by himself or in partnership with any other person-

22 (a) he engages in the practice of treasury management or holds  
23 himself out to the public as a professional treasury management consultant;

24 (b) he renders professional service or assistance in or about matters of  
25 principle or detail relating to treasury management or data; or

26 (c) renders any other service that may, by regulations made by the  
27 Council, be designated as service constituting practice as a professional  
28 treasury management practitioner or consultant.

Rules of practice

29 18.-(1) The Council may make rules for-

30 (a) the training of suitable persons in treasury management;



- 1 (b)the licensing of persons employed in the treasury;  
 2 (c) prescribing the fees to be paid by treasury practitioners or  
 3 consultants; and  
 4 (d) the restriction of right of practice where conditions are not met.

5 (2) The Council may also make rules prescribing the amount and  
 6 due date for payment for membership of annual subscription and for such  
 7 purposes, different amounts may be prescribed by the rules according to the  
 8 category of membership of the Institute.

9 (3) Rules made under this section shall, if the Chairman of the  
 10 Council directs, be published in the print media.

11 **19.** The Council may award honorary membership of the Institute  
 12 to persons it considers worthy of such honour, on terms and conditions  
 13 prescribed by the Council and approved by the Institute in its general  
 14 meeting.

Honourary  
membership

15 **20.** The Institute shall-

Library facilities

16 (a) provide and maintain a library comprising books and  
 17 publications for the advancement of knowledge in treasury management  
 18 and such other books and publications as the Council may consider  
 19 necessary for that purpose;

20 (b) encourage research into treasury management methods and  
 21 allied subjects to the extent that the Council may consider necessary; and

22 (c) encourage the production and sale of materials, books and  
 23 journals arising from its research and consultancy activities.

24 **21.** Rules and regulations made under this Act shall be subject to  
 25 confirmation by the Institute at its next AGM or at a special meeting of the  
 26 Institute convened for the purpose, and if annulled, shall cease to have effect  
 27 on the day after the date of annulment, but without prejudice to anything  
 28 done under any such rules.

Rules and  
regulations

29 **22.-(1)** From the commencement of this Act-

Transfer of  
property

30 (a) all properties held by or on behalf of the Incorporated Institute

	1	before this Act, by virtue of this section shall be vested on the Institute; and
	2	(b) subject to subsection (2), any act, or matter made or done by the
	3	Incorporated Institute before this Act shall continue to have effect.
	4	(2) The provisions of this Act shall have effect with respect to matters
	5	arising from the transfer by this section to the Institute of the property of the
	6	Incorporated Institute before this Act, and with respect to the other matters
	7	mentioned in the Second Schedule to this Act.
Interpretation	8	<b>23.</b> In this Act-
	9	"Board" means the Board of Fellows;
	10	"Council" means the Governing Council of the Institute established under
	11	section 5 (1) of this Act;
	12	"fees" includes annual subscription;
	13	"Minister" means the Minister charged with the responsibility for education;
	14	"President" and "Deputy President" respectively mean the office holders as
	15	specified under section 4 of this Act;
	16	"register" means the register prepared and maintained under section 10 (4) of
	17	this Act; and
	18	"treasury management" means a prudent and strategic approach to optimizing
	19	beneficial returns for innovative employment of an entity's
	20	(Government/Private) finance and financial resources and borrowing capacity
	21	while putting in place preventive mechanism as measures to safeguard such
	22	resources at the same time ensuring continuous liquidity and net flows for
	23	economic benefits from investment opportunities while minimizing losses and
	24	exposures to associated risks which includes misappropriation/misapplication
	25	arising from continuous changing operating landscape in finance environment;
	26	"tribunal" means the Disciplinary Tribunal established under section 15 (1) of
	27	this Act.
Citation	28	<b>24.</b> This Bill may be cited as the Chartered Institute of Treasury
	29	Management (Establishment) Bill, 2019.

1 SCHEDULES

2 First Schedule

3 *Section 5 (3)*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

5

6 *Qualification and Tenure of Office of Principal Officers of the Council*

7 1.-(1) Subject to the provisions of this paragraph, every elected  
8 principal officer of the Council shall hold office for a term of two years in the  
9 first instance beginning with the date of his appointment, and may be  
10 eligible for re-election for another term of two years and no more.

11 (2) A principal officer of the Institute who ceases to be a member  
12 shall, if he is also a member of Council, cease to hold office on the Council.

13 (3) Any elected member of the Council may by notice in writing  
14 under his hand addressed to the President resign his office, and any  
15 appointed member may, likewise resign his office.

16 (4) A person who retires from or otherwise ceases to be an elected  
17 member of the Council shall be eligible again to become a member of the  
18 Council, and any appointed member may be reappointed.

19 (5) Election to the Council shall be held in the manner prescribed in  
20 the rules made by the Council and unless otherwise prescribed, they shall be  
21 decided by a secret ballot.

22 (6) If an elected member vacates office, the Council may, if the  
23 time between the unexpired portion of the term of office and the next general  
24 meeting of the Institute appears necessary to fill the vacancy, co-opt some fit  
25 persons for the period.

26 (7) The election of members of the Council shall be effected in the  
27 manner prescribed-

28 (a) at least eight weeks before each AGM of the Institute, the  
29 Council may nominate candidates for election to the Council, provided that

1 the number of candidates nominated shall not exceed 50 per cent of those  
2 retiring;

3 (b) not less than seven weeks before each AGM of the Institute, the  
4 Secretariat shall issue to all professional members a notice which shall-

5 (i) specify the names of elected Council members whose terms of  
6 office will expire at the close of the next AGM,

7 (ii) specify any other vacancies in the membership of the Council  
8 which may be filled by election,

9 (iii) specify the names of any candidates nominated by the Council for  
10 election to the Council,

11 (iv) invite nominations of other candidates on the prescribed  
12 nomination form, and

13 (v) contain other particulars as may be prescribed by the Council;

14 (c) candidates for election to the Council, other than candidates  
15 nominated in the following manner-

16 (i) at least five weeks before each AGM, nomination forms including  
17 details of all particulars required to be given shall be duly completed in the  
18 manner set out below and shall be sent to the Secretariat of the Institute, and

19 (ii) each nomination form shall relate to one candidate only and shall  
20 contain his class and grade of membership in the Institute, his full-time  
21 managerial or other appointment (if any) or, if retired, such appointment  
22 immediately before retirement and his date of retirement; and such other  
23 particulars as may be prescribed by the Council;

24 (d) each candidate shall be sponsored by two persons who shall be  
25 members of the Institute entitled to vote and each nomination form shall  
26 contain, in addition to the particulars referred to in sub paragraph(c), a  
27 statement of the names, addresses, class and grade of membership of each of  
28 the sponsors; and

29 (e) vote shall be taken by secret ballot at the AGM.

1 *Powers of the Council*

2 2.-(1) The Council shall-

3 (a) have powers to engage in legal activities, which in its opinion  
4 will facilitate the carrying on of the activities of the Institute;

5 (b) exercise such powers of the Institute and do on behalf of the  
6 Institute such acts as may be exercised and done by the Institute;

7 (c) exercise any power granted by the Institute in a general  
8 meeting, and subject to such bye laws or provisions, as may be prescribed by  
9 the Institute in a general meeting, but no bye law made by the Institute in a  
10 general meeting shall invalidate any prior act of the Council which would  
11 have been valid if such bye law had not been made;

12 d) exercise powers on behalf of the Institute to borrow money, to  
13 mortgage or charge its undertaking and property or any part thereof  
14 and to issue debentures, debenture stocks, and other securities whether  
15 outright or security for any debt, liability or obligation of the Institute;

16 (e) set up every year as soon as practicable after the AGM, an  
17 executive committee of the Council, which shall meet regularly and carry  
18 out the normal business of Council between the  
19 regular meetings of Council; and

20 (f) establish a branch of the Institute in any locality within the  
21 country.

22 *Power to make, alter or repeal bye laws of the Institute*

23 (2) The Council shall have power to make, alter or repeal any bye  
24 law as the Council may deem necessary for the proper conduct and  
25 management of the Institute and the Council shall adopt the means deemed  
26 sufficient to bring to the notice of the Institute and all its members, any bye  
27 laws, alterations or repeals made under the powers conferred by this  
28 paragraph; provided that no bye law shall be inconsistent with, affect or  
29 repeal anything contained in this Act or constitute an amendment of, or

1 addition to these presents as could only lawfully be made by special resolution.

2 *Proceedings of the Council*

3 3.-(1) Subject to the provisions of this Act, the Council may, in the  
4 name of the Institute, make standing orders regulating the proceedings of the  
5 Institute or of the Council and, in the exercise of its powers under this Act may,  
6 set up committees in the general interest of the Institute, and make standing  
7 orders for the committees.

8 (2) Standing orders shall provide for decisions to be taken by a  
9 majority of the members and, in the event of equality of votes, for the President  
10 or the Chairman, as the case may be, to have a second or casting vote.

11 (3) Standing orders made for a committee shall provide that the  
12 committee is to report back to the Council on any matter not within its  
13 competence to decide.

14 (4) The quorum of the Council shall be seven and the Council shall fix  
15 the quorum of a committee.

16 *Meetings of the Institute*

17 *(a) Annual General Meetings*

18 4.-(1) An Annual General Meeting of the Institute shall be held once  
19 in every calendar year, at a time and place as may be determined by the Council,  
20 provided that every AGM after the first annual general meeting shall be held  
21 not more than 15 months after the holding of the last preceding such meeting.

22 *(b) Extra Ordinary General Meeting*

23 (2) All general meetings of the Institute, which are not annual general  
24 meetings, shall be called Extra Ordinary General Meetings.

25 (3) The Council may call an Extraordinary General Meeting  
26 whenever it deems fit and an Extraordinary General Meeting shall be convened  
27 on request.

28 *Quorum at General Meetings*

29 (4) No business shall be transacted at any general meeting unless a  
30 quorum is present when the meeting proceeds to business, and unless

1 otherwise provided, the quorum shall be 35 members present in person.

2 *Adjournment of Meetings*

3 (5) If within an hour from the time appointed for the holding of a  
4 general meeting a quorum is not present, the meeting, if convened on the  
5 requisition of members, shall be dissolved and in any other case it shall stand  
6 adjourned to the same day in the next week, at the same time and place, or at  
7 such other place as the Chairman of the meeting shall appoint, and if at such  
8 adjourned meeting a quorum is not present within half an hour from the time  
9 appointed for holding the meeting, the members present shall be a quorum.

10 *Special Business*

11 5. All business transacted at an Extraordinary Meeting, and an  
12 AGM except for the consideration of the account and balance sheet, the  
13 report of the Council and of auditors, the fixing of the remuneration of the  
14 auditors and the election of members of the Council at an Annual General  
15 Meeting, shall be deemed to be special business.

16 *Notices - Mode of Service*

17 6.-(1) A notice may be served by the Institute upon any member of  
18 the Council, its committees and the Institute either personally or by sending  
19 it through the post in prepaid letter addressed to the member at his address as  
20 it appears in the professional register of members or other records of  
21 members not being professional members.

22 (2) A notice if served by post shall be deemed to have been served  
23 on the day following that on which the letter containing the notice is put into  
24 the post and in proving such service, it shall be sufficient to prove that the  
25 letter containing the notice was properly addressed and put in the post office  
26 as a prepaid letter.

27 *Annual or Extra-Ordinary Meetings*

28 7.-(1) An Annual or Special Meeting of the Institute shall be  
29 convened by at least 21 days' notice in writing.

30 (2) The notice shall be exclusive of the day on which it is served or

1 deemed to be served and of the day for which it is given and shall specify the  
2 place, day and hour of the meeting, and in case of business other than ordinary  
3 annual business of the Institute, the general nature of business.

4 (3) In the case of an AGM, the Secretary shall also send to each  
5 member with the notice, a copy of the annual report of the Council, a copy of  
6 the accounts of the Institute with the auditors' report thereon, and particulars of  
7 all motions to be brought before the meeting.

8 *Special Motions at Annual General Meetings*

9 8. A member desiring to bring before the AGM any motion not  
10 relating to the ordinary business of the AGM of the Institute may do so  
11 provided that-

12 (a) notice in writing of the proposed motion is sent or given to the  
13 Secretary not later than 45 days before the date of the AGM; and

14 (b) no less than 10 members entitled to vote at the AGM shall have  
15 sent or given notice in writing to the Secretary not later than 30 days before the  
16 date of the AGM expressing their desire that the proposed motion be brought  
17 before the AGM and that the proposed motion relates to matters affecting the  
18 Institute.

19 *Voting at General Meetings*

20 9.-(1) Except as provided in this Schedule regarding voting to elect  
21 members to fill vacancies on the Council, a resolution put to the vote at any  
22 AGM or Extra Ordinary Meeting of the Institute shall be decided on a show of  
23 hand unless (before or on the declaration of the show of hands) a poll is  
24 demanded by at least 10% of those present provided that the matter arrived at is  
25 not less than five.

26 (2) No amendment shall be permitted to resolution, amend the Act or  
27 the rules and bye laws of the Institute except with the consent of the Chairman  
28 of the meeting (whose decision shall be final) if the amendment is one of form  
29 only and not of substance.

30 (3) If a poll is duly demanded or required to be taken, it shall be taken



1 in accordance with the relevant bye laws and the result of the poll shall be  
2 deemed to be the resolution of the meeting at which the poll is demanded.

3 (4) Except as provided in this Schedule regarding voting to elect  
4 members by ballot to fill vacancies on the Council, in the case of an equality  
5 of votes, whether on a show of hands or on a poll, the Chairman of the  
6 meeting, at which the show of hands takes place or at which the poll is  
7 required to be taken, shall be entitled to a second or casting vote.

8 (5) A poll demanded on the election of a Chairman or on any  
9 question of adjournment shall be taken and a poll demanded or required to  
10 be taken of any other question shall be taken at such time and place as the  
11 Chairman of the meeting directs and any business other than that upon  
12 which a poll has been demanded or is required may be proceeded with  
13 pending the taking of the poll.

14 (6) On a show of hands or a poll, every member present in person  
15 shall (except as provided in the case of electing members to fill vacancies of  
16 the Council) have one vote.

17 *Voting Rights of Corporate Members*

18 10. Each corporate member's voting power at any meeting of the  
19 Institute shall be vested in a single person entitled as a "Voting  
20 Representative", who, if he is a professional member of the Institute in his  
21 own right, may exercise his rights to vote as an individual member in  
22 addition to voting as a representative.

23 *Meeting of the Council*

24 11.-(1) Subject to the provisions of any standing order or bye law of  
25 the Council, the Council shall meet whenever it is summoned by the  
26 Chairman, and if the Chairman is required to do so by notice in writing given  
27 to him by not less than five other members, he shall summon a meeting of the  
28 Council to be held within seven days from the date on which the notice is  
29 given.

30 (2) At any meeting of the Council, the Chairman or, in his absence,

1 the Vice-Chairman shall preside, but if both are absent, the members present at  
2 the meeting shall appoint one of them to preside at that meeting.

3 (3) Where the Council desires to obtain advice from any person on a  
4 particular matter, the Council may co-opt him as a member for such period as  
5 the Council deems fit, but a person who is a member by virtue of this  
6 subparagraph shall not be entitled to vote at any meeting of the Council and  
7 shall not count towards a quorum.

8 (4) Notwithstanding anything in this paragraph, the first meeting of  
9 the Council shall be summoned by the Minister of Education, who may give  
10 such direction as he thinks fit as to the procedure which shall be followed at the  
11 meeting.

#### 12 *Committees*

13 12.-(1) The Council may appoint one or more committees to carry  
14 out, on behalf of the Institute or of the Council, such functions as the Council  
15 may determine.

16 (2) A committee appointed under this paragraph shall consist of the  
17 number of persons determined by the Council, and a person other than a  
18 member of the Council shall hold office on the committee in accordance with  
19 the terms of the instrument by which he is appointed.

#### 20 *Miscellaneous*

21 13.-(1) The fixing of the seal of the Institute shall be authenticated by  
22 the signature of the President or of some other member of the Council  
23 authorised generally or specially by the Institute to act for that purpose.

24 (2) A contract or instrument, which if made or executed by a person  
25 not being a body corporate, would not be required to be under seal, may be  
26 made or executed on behalf of the Institute or the Council as the case may  
27 require, by any person generally or specially authorised to act for that purpose  
28 by the Council.

29 (3) A document purporting to be duly executed under the seal of the  
30 Institute shall be received in evidence and shall, unless the contrary is proved,

1 be deemed to be so executed.

2 (4) The validity of any proceeding of the Institute, Council or  
3 committee of the Council shall not be affected by any vacancy in  
4 membership, any defect in the appointment of member of the Institute, the  
5 Council or a person to serve on the committee or by reason that a person not  
6 entitled to do so took part in the proceedings.

7 (5) A member of the Institute or the Council, and any person  
8 holding office on a committee of the Council, who has a personal interest in  
9 any contract or arrangement entered into or proposed to be considered by the  
10 Council on behalf of the Institute, the Council or a committee, shall disclose  
11 his interest to the President or the Council as the case may be, and shall not  
12 vote on any question relating to the contract or arrangement.

13 (6) A person shall not, by reason only of his membership of the  
14 Institute, be required to disclose any interest relating solely to the audit of the  
15 accounts of the Institute.

16 SECOND SCHEDULE

17 *Section 22 (2)*

18 TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

19 *Transfer of property*

20 1.-(1) Every agreement to which the Incorporated Institute was a  
21 party immediately before the commencement of this Act, whether in writing  
22 or not and whether or not of such nature that the rights, liabilities and  
23 obligations thereunder could be assigned by the Incorporated Institute, shall  
24 have effect from the commencement of the Act so far it relates to property  
25 transferred by this Act to the Institute, as if-

26 (a) the Institute had been a party to the agreement; and

27 (b) for any reference (however worded and whether express or  
28 implied) to a member or members of the Council or the Incorporated  
29 Institute there were substituted as respects anything failing to be done on or  
30 after the commencement of the Act-

1 (i) a reference to the Institute, and

2 (ii) a reference to a member or members of the Council under this Act.

3 (2) Other documents referring, whether specifically or generally, to  
4 the Incorporated Institute shall be construed in accordance with subparagraph  
5 (1).

6 (3) Without prejudice to the generality of the provisions of this  
7 Schedule, where, by the operation of any of them or any section of this Act, any  
8 right, liability or obligation vests in the Institute, the Institute and all other  
9 persons shall, as from the commencement of this Act, have the same rights,  
10 powers and remedies (and, in particular, the same rights as to the taking or  
11 resisting of legal proceedings or the making or resisting of applications to any  
12 authority) for ascertaining, perfecting or enforcing that right, liability or  
13 obligation as they would have had if it had at all times been a right, liability or  
14 obligation of the Institute.

15 (4) Any legal proceeding or application to any authority pending on  
16 the commencement of this Act by or against the Incorporated Institute and  
17 relating to property transferred by this Act to the Institute may be continued on  
18 or after that day by or against the Institute.

19 (5) If the law in force at the place where any property transferred by  
20 this Act is situated provides for the registration of transfers or property of the  
21 kind in question (whether by reference to an instrument of transfer or  
22 otherwise), the law shall, so far it provides for alterations of a register but not  
23 for avoidance of transfers, the payment of fees or any other matter, apply with  
24 the necessary modifications to the transfer of the property and the Council shall  
25 furnish the necessary particulars of the transfer to the proper officer of the  
26 registration authority, and of that officer in charge of the transfer accordingly.

27 *Transfer of Functions*

28 2.-(1) At its first meeting, the Council of the Institute shall fix a date  
29 not later than six months after the commencement of this Act, for the Annual  
30 General Meeting of the Institute.

1                   (2) The members of the Council of the Incorporated Institute shall  
2                   be deemed to be the members of Council of the Institute until the date  
3                   determined under subparagraph (1) when the Institute shall have its first  
4                   Annual General Meeting, and they shall cease to hold office at the  
5                   conclusion of such meeting.

6                   (3) A person who, immediately before the commencement of this  
7                   Act, held office as the President or Deputy President of the Incorporated  
8                   Institute by virtue of the Articles of Association shall, on that day, become  
9                   the President or, as the case may be, the Deputy President of the Institute,  
10                  and shall be deemed to have been elected-

11                  (a) to that office in pursuance of the provision of this Act,  
12                  corresponding to the relevant provision in the said Articles of Association;  
13                  and

14                  (b) on the date on which he took office, or last took office, in  
15                  pursuance of the relevant provision of those articles.

16                  (4) The members of the Incorporated Institute shall, as from the  
17                  commencement of this Act, be registered as members of the Institute and,  
18                  without prejudice to the generality of the provisions of this Schedule relating  
19                  to the transfer of property, any person who, immediately before the  
20                  commencement of this Act, was a member of the staff of the Incorporated  
21                  Institute shall on that day become the holder of an appointment with the  
22                  Institute with the status, designations and functions which correspond as  
23                  nearly as may be to those appertaining to him in his capacity as a member of  
24                  staff of the Incorporated Institute.

25                  (5) A person being an office holder on, or member of, the Council  
26                  of the Incorporated Institute immediately before the commencement of this  
27                  Act and deemed under this paragraph to have been appointed to any position  
28                  in the Institute, or the Council of the Institute, and hereafter ceasing to hold  
29                  office otherwise than by reason of his misconduct, shall be eligible for  
30                  appointment to the office in the Institute or to membership of the Council, as

1 the case may be.

2 (6) All regulations, rules and similar instruments made for the  
3 purpose of the Incorporated Institute and in force immediately before the  
4 commencement of this Act shall, except in so far as they are subsequently  
5 revoked or amended by any authority having power in that behalf, have effect  
6 with necessary modifications, as if duly made for the corresponding purpose of  
7 the Institute.

8 THIRD SCHEDULE

9 *Section 15 (5)*

10 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL  
11 AND INVESTIGATING PANEL

12 *The Tribunal*

13 1.-(1) The quorum of the Tribunal shall be four.

14 (2) The Council shall make rules as to the selection of members of the  
15 Tribunal for the purpose of any proceeding and as to the procedure to be  
16 followed and rules of evidence to be observed in proceedings before the  
17 Tribunal.

18 2. The rules shall in particular provide-

19 (a) for securing that notice of the proceedings shall be given , at such  
20 time and in such manner as may be specified by the rules, to the person who is  
21 the subject of the proceedings;

22 (b) for determining who, in addition to that person, shall be a party to  
23 the proceedings;

24 (c) for securing that any party to the proceedings shall, if he so  
25 requires, be entitled to be heard by the Tribunal;

26 (d) for enabling any party to the proceedings to be represented by a  
27 legal practitioner;

28 (e) subject to the provisions of section 16 (5) of this Act, as to the costs  
29 of proceedings before the Tribunal;

30 (f) for requiring, in a case where it is alleged that the person who is the

1 subject of the proceedings is guilty of infamous conduct in any professional  
2 respect, that where the Tribunal adjudges that the allegation has not been  
3 proved, it shall record a finding that the person is not guilty of such conduct  
4 in respect of the matters to which the allegation relates; and

5 (g) for publishing in the print media, a notice of any direction of the  
6 Tribunal, which has taken effect provided that a person's name shall be  
7 struck off a register.

8 3. For the purpose of any proceeding before the Tribunal, any  
9 member of the Tribunal may administer oaths and any party to the  
10 proceedings may issue out of the registry of the High Court *writs of*  
11 *subpoena ad testificandum and duces tecum*, but no person appearing before  
12 the Tribunal shall be compelled to-

13 (a) make any statement before the Tribunal tending to incriminate  
14 himself; or

15 (b) produce any document under such a writ which he could not be  
16 compelled to produce at the trial of an action.

17 4.-(1) For the purposes of advising the Tribunal on questions of law  
18 arising in the proceedings before it, there shall, in all such proceedings, be an  
19 assessor to the Tribunal who shall be appointed by the Council on the  
20 nomination of the Attorney-General of the Federation and shall be a legal  
21 practitioner of no less than 10 years standing.

22 (2) The Attorney-General of the Federation shall make rules as to  
23 the functions of assessors appointed under this paragraph and in particular  
24 such rules shall contain provisions for securing that-

25 (a) where an assessor advises the Tribunal on any question of law  
26 as to evidence, procedure or any other matter specified by the rule, he shall  
27 do so in the presence of every party or person representing a party to the  
28 proceedings who appears thereat or, if the advice is tendered while the  
29 Tribunal is deliberating in private, that every such party or person shall be  
30 informed what advice the assessor has tendered; and

1 (b) every such party or person shall be informed if in any case the  
2 Tribunal does not accept the advice of the assessor on such a question.

3 (3) An assessor may be appointed under this paragraph either  
4 generally or for any particular proceeding or class of proceeding, and shall hold  
5 and vacate office in accordance with the terms of the instrument by which he is  
6 appointed.

7 *The Panel*

8 5.-(1) The quorum of the Panel shall be three.

9 (2) The Panel may, at any meeting of the Panel attended by the  
10 members of the Panel, make standing orders with respect to the Panel.

11 (3) Subject to the provisions of any such standing orders, the Panel  
12 may regulate its own procedure.

13 *Miscellaneous*

14 6. A person ceasing to be a member of the Tribunal or the Panel shall  
15 be eligible for reappointment as a member of that body.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Treasury Management for the promotion, study and practice of proper management of the treasury as a safeguard against fraud, outright embezzlement, emasculation, misappropriation or misapplication of scarce resources placed in the custody of fund managers.



MARITIME SECURITY AGENCY (ESTABLISHMENT, ETC.) BILL, 2019

ARRANGEMENT OF SECTIONS

*Section:*

PART I - ESTABLISHMENT OF THE MARITIME SECURITY AGENCY, ETC.

1. Establishment of the Maritime Security Agency
2. Application and Scope of the Act

PART II - OBJECTIVES OF THE ACT

3. Objectives of the Act

PART III - FUNCTIONS AND POWERS OF THE AGENCY

4. Functions of the Agency
5. Mode of exercise of Powers
6. Acts prejudicial
7. Collaboration with other Agencies

PART IV - GOVERNING BOARD OF THE AGENCY AND ITS MEMBERSHIP

8. Consultation with other Agencies
9. Governing Board
10. Cessation of membership
11. Tenure of members
12. Removal of members
13. Vacancy in the Board
14. Remuneration
15. Director General
16. Executive Directors
17. Establishment of departments
18. Secretary to the Board
19. Other staff and Condition of Service

PART V - FINANCIAL PROVISIONS

20. Pension
21. Funding of the Agency
22. Budget and expenditure
23. Power to accept gifts
24. Accounts and records

25. Statements of accounts and audit

26. Annual and other reports

PART VI - DIRECTIVES BY THE MINISTER OF DEFENCE

27. Directives by the Minister of Defence

PART VII - CHARGES AND LEVIES

28. Maritime Security Levy

PART VIII - SAFETY AND SECURITY OF SHIP

29. Imposition of charges

PART IX - GENERAL PROVISIONS

30. Inspection of ship

31. Establishment of Maritime Security offices

32. Records to be kept of ships

PART X - LEGAL PROCEEDINGS

33. Power to detain ship

34. Regulations

PART XI - OFFENCES

35. Limitation of suits

36. Judicial Management a Liquidate

37. Damages to property of the Agency

38. Evasion of fees, levies

39. Penalty for giving false state

40. Non-compliance with direction

41. Obstructing

42. Preservation of secrecy

43. Offences by companies.

44. Interpretation

45. Short Title

SCHEDULES

# A BILL

## FOR

AN ACT TO ESTABLISH THE MARITIME SECURITY AGENCY TO PROMOTE  
MARITIME SECURITY AND FOR RELATED MATTERS

*Sponsored by Hon. Ntufam Eta Mbora*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

### PART I - ESTABLISHMENT OF THE MARITIME SECURITY AGENCY, ETC.

- 1           1.-(1) There is established a body to be known as the Maritime      Establishment  
2      Security Agency (in this Act referred to as “the Agency”) which shall-      of the Agency
- 3           (a) be a body corporate with perpetual succession;
- 4           (b) have a common seal; and
- 5           (c) sue and be sued in its corporate name.
- 6           (2) The Agency may-
- 7           (a) enter into contract and incur obligation;
- 8           (b) acquire, hold, mortgage, purchase, sell, lease or deal in any way
- 9      it deems fit with property, whether movable or immovable, real or personal,
- 10     for the purposes of this Act; and
- 11          (c) do or suffer any or all acts or things which a body corporate may,
- 12     by law, do or suffer which are necessary or convenient for the purposes of
- 13     this Act;
- 14          (d) let or hire plant, machinery, craft, equipment or goods.
- 15          (e) shall be self sustained.
- 16          (3) The common seal of the Agency shall be kept in such custody as
- 17     the Agency may direct and shall be used only on the direction of the Agency.
- 18          (4) The head office of the Agency shall be located in the Federal
- 19     Capital Territory, Abuja.
- 20           2.-(1) This Act shall apply to any person, ship, aircraft or any other      Application  
21     craft or object in the littoral and backwaters zones (inland water ways,      and scope

Objectives of  
the Agency

1 rivers, lakes, dams, and their surrounding proximate lands) up to the 12  
2 nautical miles limit of the territorial sea of Nigeria.

3 (2) This Act does not apply to any military vessel or aircraft operating  
4 within the Agency's AOR.

5 PART II - OBJECTIVES OF THE AGENCY

6 3. The objective of the Agency is to-(a)do everything within its  
7 power and statutory responsibility to eradicate maritime crimes from Nigeria's  
8 maritime environment up to the limits of Nigeria's territorial zone.

9 (b) enhance maritime domain awareness in conjunction with other  
10 maritime security agencies of government and maritime industry stakeholders.

11 (c) enhance the development and the creation of employment  
12 opportunities for particularly, the Nigerian seafarers.

13 (d) regulate the provision of maritime security services by any person  
14 or corporate body within the Agency's AOR.

15 PART III - FUNCTIONS AND POWERS OF THE AGENCY

Functions of  
the Agency

16 4. The Agency shall-

17 (1) in synergy with other bodies, ensure the continuation and  
18 coordination of the implementation of the Chapter II (2) of SOLAS  
19 International Ship and Port Facility Security (ISPS) Code of the International  
20 Maritime Organization (IMO).

21 (2) have oversight responsibility and coordination for the provision of  
22 security to national maritime infrastructures;

23 (3) interface with the operations and the activities of maritime  
24 security organizations of government at all levels (Local, State and Federal) in  
25 the discharge of its functions;

26 (4) monitor, regulate and co-ordinate maritime related  
27 communication between persons, objects or craft, within particularly its AOR,  
28 in Nigeria's maritime environment;

29 (5) assist in search and rescue operations in conjunction with all  
30 maritime agencies and other organizations;

1 (6) enhance the gathering and sharing of real-time actionable  
2 intelligence information in conjunction with all maritime security agencies  
3 of government to foster proactive decision making and interdiction;

4 (7) develop and maintain a database of national maritime  
5 infrastructure;

6 (8) establish a security and infrastructure protection mechanism  
7 for all sea ports and jetties in Nigeria;

8 (9) pool and co-ordinate resources towards supporting maritime  
9 security and necessary industry upgrade, enhance intra and inter industry  
10 maritime security and Modular refineries security coordination, capacity  
11 and cooperation between the national intelligence and security forces  
12 community and maritime stakeholders; and

13 (10) carry out such other necessary activity to promote and realize  
14 its objectives as specified in this Act.

15 5.-(1) Where the Agency is required to provide a facility or service  
16 or discharge a function, it shall do so-

Mode of exercise  
of Powers

17 (a) by itself;

18 (b) in cooperation with another person or body; or

19 (c) by arranging for another person or body to do so on its behalf  
20 and the Agency is ultimately responsible for the exercise of the delegated  
21 power.

22 (d) In time of national crises, the President through the  
23 recommendation of the Minister of Interior could order the Agency to be an  
24 integral part of the Nigeria Navy, as the crises necessitates.

25 (2) The Agency shall, notwithstanding the provisions of any other  
26 Act, have power to -

27 (a) receive and consider any report of the commission of an offence  
28 in relation to this Act;

29 (b) stop, enter, board, inspect, search any ship or craft within the  
30 territorial sea and coastal land;

1 (c) demand the production of any license, permit, record, certificate  
2 or other document or make copies of or take extracts of such license, permit,  
3 record, certificate or other document in relation to matters provided for under  
4 this Act;

5 (d) cause an investigation into any offence which it has reason to  
6 believe is being committed or is about to be committed or has been committed  
7 in relation to this Act;

8 (e) exercise the right of pursuit in conjunction with other security  
9 agencies;

10 (f) The Agency will be a paramilitary organisation under the  
11 supervision of the Ministry of Interior, that will exercise through its staff and  
12 employees, the right to be aptly armed to meet envisaged challenges in the  
13 execution of its functions and powers under this Act;

14 (g) examine and seize any article, device, goods, ship, craft or any  
15 other item related to any offence which has been committed or it has reason to  
16 believe has been committed in relation to this Act;

17 (h) dispose of recovered crude oil and petroleum allied products or  
18 any article, device, goods, ship, craft or any other item related to any offence  
19 which has been committed or it has reason to believe has been committed in  
20 relation to this Act;

21 (i) arrest any person whom it has reason to believe has committed any  
22 maritime offence within its AOR;

23 (j) refuse entry to or expel any ship which it has reason to believe that  
24 its entry or continuous stay is detrimental to the interest of or will endanger the  
25 order of public interest and safety of Nigeria's maritime zone, particularly  
26 within the Agency's AOR; and

27 (k) enter ports, terminals, jetties and ships to monitor and investigate  
28 matters related to maritime security.

29 (3) Without prejudice to the generality of subsection (1) of this  
30 section, designated officers of the Agency shall have, for the purposes of this

1 Act, all the powers which any law enforcement agency may exercise under  
2 any Act applicable to the territorial sea and back waters of Nigeria's  
3 maritime expanse.

4 (4) Notwithstanding the provisions of subsection (2) (b) of this  
5 section, no ship shall be stopped, entered, boarded, searched or inspected if  
6 the passage of the ship within the territorial sea of Nigeria is an innocent  
7 passage.

8 (5) For the purpose of this section, the passage of a ship is regarded  
9 as being on an innocent passage if it maintains its course and speed away  
10 from Nigeria's territorial waters and commits no action prejudicial to the  
11 safety and security of the maritime environment of Nigeria.

12 **6.** The Agency will assist the Nigerian Navy, NIMASA and other  
13 maritime agencies of government, to carry out the following activities,  
14 particularly within the Agency's AOR.

Activities  
prejudicial to  
Safety and  
Security

15 (a) any threat or act which in any matter is a violation of the  
16 provisions of this Act or any other legislation applicable to the Agency;

17 (b) act of pollution;

18 (c) unauthorized fishing activity;

19 (d) the carrying out of unauthorized research or survey activities;

20 (e) any act aimed at interfering with any systems of  
21 communication or any other facilities or installations of the Agency.

22 (f) any act which is in contravention of the Coastal and Inland  
23 Shipping (Cabotage) Act, 2003 or any similar law.

24 (g) any other activity having a negative bearing on innocent  
25 passage within the nation's territorial waters.

26 **7.** In the exercising its powers, the Agency may collaborate with,  
27 request for and shall be entitled to receive assistance from other government  
28 agencies responsible for the maintenance of security in the maritime  
29 environment of Nigeria.

Collaboration  
with other  
Agencies

Consultation with  
other Agencies

1                   8. In the performance of its functions, the Agency may, consult with  
2 other agencies of government, maritime industry stakeholders, and other  
3 relevant bodies and organizations when and where it deems necessary.

Governing Board  
of the Agency

4                   PART IV - GOVERNING BOARD OF THE AGENCY AND ITS MEMBERSHIP

5                   9.-(1) There is to be established for the Agency a Governing Board (in  
6 this Act referred to as “the Board”) to be appointed by the President on the  
7 recommendation of the Minister of Interior of 13 persons in which at least 70%  
8 of the Board members should be seasoned seafarers, maritime security experts,  
9 administrator and counter terrorism experts, with at least one each from a  
10 geographical zone of Nigeria. The National Coordinator and Director General  
11 of the Agency are to be members of the Board

12                   (2) The Board shall consist of-

13                   (a) a Chairman;

14                   (b) the National Coordinator,

15                   (c) the Director General;

16                   (d) a representative not below the rank of a Director from:-

17                   (i) Federal Ministry of Finance,

18                   (ii) Ministry of Transportation,

19                   (iii) Chief of Naval Staff or his representative.

20                   (e) a representative of the Office of Ministry of Interior not below the  
21 rank of Brigadier General or its service equivalent,

22                   (f) a representative of the Office of the National Security Adviser not  
23 below the rank of a Director,

24                   (g) the Assistant Inspector General of Police , Maritime Command  
25 Nigeria Police

26                   (h) a representative of the Office of the Nigeria National Petroleum  
27 Corporation not below the rank of Group Executive Director:

28                   (i) Representative of Merchant Navy Officers’ and Water Transport  
29 Senior Staff Association;



1 (j ) 3 other nominated members in accordance with Section 9 – 1 of  
2 this Act;

3 (k) representative of Maritime Workers Union of Nigeria.

4 (2) The Board is responsible for the determination of the general  
5 policies of the Agency with regard to its financial, commercial,  
6 administrative, human resources and operational status in line with the set  
7 objectives and the AOR of the Agency.

8 (3) In managing the affairs of the Agency, the Board shall have  
9 regard, in addition to any general guidelines on the running of public  
10 institutions, to such generally acceptable principles of good corporate  
11 governance as is reasonably applicable to the Agency.

12 (4) The supplementary provisions set out in the First Schedule to First Schedule  
13 this Act shall apply to the proceedings of the Board and other matters  
14 contained therein.

15 (5) The Board shall make standing orders regulating its  
16 proceedings and meetings;

17 **10.-(1)** A member ceases to hold office if- Cessation of  
18 Membership

19 (a) he has been certified to be of unsound mind; or

20 (b) he is an undischarged bankrupt; or

21 (c) he has been convicted in Nigeria or elsewhere of a criminal  
22 offence involving fraud or dishonesty; or

23 (d) his retention on the Board is inimical to public interest or of the  
24 Agency.

25 (2) The conflict of interest provisions contained in the Second Second Schedule  
26 Schedule to this Act shall apply to members.

27 **11.-(1)** Members, other than ex-officio, shall hold office for a term Tenure of  
28 of four years and may be eligible for a re-appointed further term of four years  
29 and no more.

(2) A member other than ex-officio may resign his appointment by

	1	giving one month written notice to the President through the Minister of
	2	Interior.
	3	(3) The Director General shall give 3 months written notice of
	4	resignation to the President through the Minister of Interior.
Removal of a Member by Minister of Interior	5	<b>12.</b> -(1) A member may be suspended or removed by the Minister of
	6	Interior on the recommendation of the Board.
	7	(2) In making a recommendation under subsection (1) of this section,
	8	the Minister of defence shall have regard to section 10 of this Act.
Vacancy in the Board	9	<b>13.</b> -(1) A vacancy occurs in the Board if a member-
	10	(a) dies;
	11	(b) is medically certified unfit;
	12	(c) is removed;
	13	(d) resigns;
	14	(e) completes his term of office.
	15	(2) The President, on the recommendation of the Minister of Interior
	16	shall appoint another person into the Board to replace a member whose office
	17	became vacant pursuant to subsection (1) of this section and the person shall
	18	represent the same interest as that of the former member.
	19	(3) A person appointed under subsection (2) of this section shall serve
	20	the unexpired term of the former member and may be reappointed for another
	21	term of four years and no more.
Remuneration of members	22	<b>14.</b> All payments, allowances, benefits and expenses payable to a
	23	member shall be determined by the Board in accordance with Government
	24	guidelines.
	25	<b>15.</b> -(1) The Management Team of the Agency shall comprise:
	26	(a) The Director General;
	27	(b) 4 Executive Directors;
	28	(c) 4 Deputy Directors to each Executive Director;
	29	(d) Zonal Commanders; and
	30	(e) State Commanders;

1	<b>15.-(2)</b> Every member of the management team shall have sound	Agency's Management Team
2	administrator, seafaring or maritime security experts or counter	
3	terrorism/piracy or aircraft piloting with professional experiences in line	
4	with the objectives of the Agency.	
5	<b>15.-(3)</b> The Director-General shall-	Director General
6	(a) subject to Section 15 sub-section 2 of this Act, be a person that	
7	possess extensive knowledge and professional experience in maritime	
8	operations, administration and relevant security matters;	
9	(b) be appointed by the President on the recommendation of the	
10	Minister of Interior in conjunction with National Security Adviser; and	
11	shall-	
12	(c) hold office for a term of five years in the first instance and may	
13	be eligible for reappointment for another term of four years and no more, (TO	
14	ALLOW FOR AN OVERLAP OF ONE YEAR BETWEEN TENURE OF THE BOARD	
15	AND THE DG FOR EFFICIENT AND CONTINUOUS MANAGEMENT OF THE	
16	AGENCY)	
17	(4) The Director-General is the Chief Executive and Chief	
18	Accounting Officer and is responsible for-	
19	(a) the implementation of the policies of the Agency and decisions	
20	of the Board;	
21	(b) nomination of members of the management team as stipulated	
22	in Section 15-2 of this Act for the Board's approval.	
23	(c) organization, control and management of the affairs of the	
24	Agency;	
25	(d) the direction, supervision and control of the employees of the	
26	Agency subject to any direction issued by the Board;	
27	(e) ensuring the maintenance of accounting records in accordance	
28	with applicable laws and accounting principles; and	
29	(f) any other thing incidental or related to the object of this Act.	Executive Directors and other Management Team positions
30	<b>16.-(1)</b> Executive Directors and other Management Team's	

1 positions of the Agency subject to Section 15-2 shall-

2 (a) be appointed by the Board on the recommendation of the Director

3 General

4 (b) be a person that possess sound professional knowledge of and  
5 ability in the executive function he is appointed to handle;

6 (c) perform such functions as may be determined by the Board from  
7 time to time;

8 (d) serve for a term of five years in the first instance and may be  
9 eligible for reappointment for a further term of five years and no more.

Departments

10 **17.-(1)** The Board may establish such number of departments  
11 necessary for the attainment of the objectives of the Agency and each  
12 department shall be headed by an Executive Director.

13 (2) Departments established under subsection (1) of this Section shall  
14 include-

15 (a) administration and finance department

16 (b) training and operations department;

17 (c) technical/MDA development department and;

18 (d) policy and plans department

Secretary to the  
Board

19 **18.-(1)** There shall be appointed by the Board a Secretary to the  
20 Board.

21 (2) The secretary must possess relevant professional qualifications  
22 and experience, and must have been so qualified for period of not less than ten  
23 years as-

24 (a) a legal practitioner; or

25 (b) a chartered secretary.

26 (3) The Secretary shall be responsible to the Director-General and the  
27 Board and shall perform the following duties-

28 (a) arrange for meetings of the Board, prepare the agenda and write  
29 minutes of such meetings;

30 (b) communicate the decisions of the Board to members;

1 (c) keep records of the Board;  
2 (d) ensure the payment of the allowances of members for attending  
3 meetings; and (e) carry out any other duties as may be assigned to him by the  
4 Director General or the Board.

5 **19.**-(1) The Agency may employ such number of staff or Other staff and  
6 employees as it may deem necessary for the efficient performance of its  
7 functions. conditions of  
service

8 (2) The Board shall determine the job description, title, terms,  
9 qualifications, salaries, allowances and other benefits of staff or employees  
10 who are subject to the conflict of interest rules in the Second Schedule to this  
11 Act.

12 (3) Staff of the Agency, including the Board Secretary, shall be  
13 subject to such terms and conditions as may, from time to time, be stipulated  
14 by the Board and as contained in their letters of employment.

15 **20.** Service in the Agency shall be approved service for the purpose Pension Reform  
16 of Pension and staff or employees of the Agency shall be entitled to  
17 retirement benefit as prescribed in the Pension Reform Act. Act, 2004

18 **PART V - FINANCIAL PROVISIONS**

19 **21.**-(1) The Agency shall establish and maintain a fund into which Funding of the  
20 shall be paid- Agency

21 (a) oil percent of the value of the gross tonnage of in-bound and  
22 out-bound cargo in vessels calling at or departing from any port in Nigeria;

23 (b) the maritime security levy;

24 (c) all other financial assets that may, from time to time, be vested  
25 in or accrue to the Agency in the course of performing its functions under  
26 this Act;

27 (d) all other sums collected or received by the Agency for services  
28 rendered or facilities provided by it;

29 (e) gift, grant, aid including financial and material support from  
30 multilateral agencies and non-governmental organizations;

1 (f) such other sums that may be received from the Federal  
2 Government; and

3 (g) such other sources of revenue or income in aquiculture and  
4 modular refinery other than those specified in paragraphs (a) to (f) of this  
5 subsection:

6 Provided that the conditions attached to the revenue or income shall  
7 not be inimical to the objectives of this Act and the functions and powers of the  
8 Agency.

9 (2) The Agency shall apply the funds in Sub-section (1) of this Section  
10 to-

11 (a) carry out its functions under this Act;

12 (b) train staff and related personnel; (c) its general administration;

13 (d) the payment of salaries, allowances, emoluments and other  
14 benefits of the executive members of the Board, the Director General and staff;

15 (e) acquire and maintain any property for the use of the Agency; and

16 (f) any other expenses that are necessary for the effective discharge of  
17 its functions.

Budget and  
expenditure

18 **22.** The Agency shall, not later than 30th September in each financial  
19 year, prepare and submit to the Minister of Interior, for presentation to the  
20 President and consideration by the National Assembly for approval, a  
21 statement of estimated income and expenditure for the following financial  
22 year.

Power to accept  
gifts

23 **23.-(1)** The Agency may accept gift of land, money or other property  
24 on such terms and conditions as is consistent with the functions of the Agency.

25 (2) The Agency shall not accept any gift if the condition attached by  
26 the person or organization making it is inconsistent with the functions of the  
27 Agency or are in conflict with national interest.

Account and  
records to be  
open for  
inspection

28 **24.-(1)** The accounts and records of the Agency shall, at all times, be  
29 open for inspection by-

30 (a) a member of the Board; or

1 (b) person specifically authorized by the Minister of Interior to  
2 inspect them.

3 (2) The books of accounts and records shall be kept at the head  
4 office of the Agency.

5 **25.**-(1) The Agency shall keep proper and regular accounts and  
6 other records of monies received and paid by it and of several purposes for  
7 which such monies were received and expended; and of the assets, credits  
8 and liabilities of the Agency.

Statements of  
accounts and  
audit

9 (2) The Agency shall ensure that payments out of its money are  
10 correctly made and properly authorized and that adequate control is  
11 maintained over the assets and the expenditure incurred by the Agency.

12 (3) The accounts of the Agency shall be audited annually by a firm  
13 of Auditors appointed by the Board from the list of Auditors supplied by the  
14 Auditor-General for the Federation.

15 (4) As soon as the accounts of the Agency and the financial  
16 statements have been audited, the Agency shall forward a copy together with  
17 the report or observations made on them by the Auditor to the Minister of  
18 Interior..

19 **26.** The Agency shall, at the end of each financial year, prepare and  
20 submit to the Minister of Interior and Auditor General for the Federation a  
21 report in such form as shall accurately reflect all the activities of the Agency  
22 during the preceding year; and the report shall include a copy of the audited  
23 accounts of the Agency.

Annual and other  
reports

#### 24 PART VI - DIRECTIVE BY MINISTER OF INTERIOR

25 **27.** The Minister of Interior may give the Agency written directives  
26 regarding the performance of its functions. Funds particulars of the  
27 directives given in any financial year shall be included in the annual report  
28 of the Agency for that year.

Directives by the  
Minister of  
Interior

#### 29 PART VII - CHARGES AND LEVIES

30 **28.**-(1) As from the commencement of this Act, there shall be

Maritime  
Security Levy

Imposition of  
charges

1 charged and payable a Maritime Security Levy which shall be assessed,  
2 collected and administered in accordance with the provisions of this Act.

3 (2) As in the levy in Subsection (1) of this Section, 0.1% of the  
4 declared annual profit of any company engaged in maritime related activity in  
5 the federation shall be paid to the Agency.

6 **29.**-(1) The Agency may by regulation impose charges and specify the  
7 persons to whom it shall apply, and the times when they shall become due and  
8 payable.

9 (2) The charges may include-

10 (a) a charge for a service or facility provided by the Agency;

11 (b) a fee or other charges in respect of a matter in relation to which  
12 expenses have been incurred by the Agency including, but not limited to a fee  
13 or other charges in respect of, or for an application for-

14 (i) the grant, issue, renewal or variation of a certificate, license,  
15 approval, permission, permit, registration or exemption under an Act or a  
16 regulation, or

17 (ii) the grant or variation of an authorization or the cancellation,  
18 suspension, variation or imposition of a condition relating to anything referred  
19 to in subparagraph (i) of this subsection.

20 (3) Before making regulations under subsection (1) of this section, the  
21 Agency shall give notice in writing of the proposed regulation to the Minister  
22 of Interior in which it shall specify the-

23 (a) day on which the regulation is intended to take effect;

24 (b) basis of a charge or penalty; and

25 (c) reasons for varying a charge or penalty.

26 (4) The Minister of Interior shall, in the exercise of his discretion,  
27 after receiving a notice of the proposed regulation, give the Agency a notice in  
28 writing approving, rejecting or recommending an alternative regulation.

29 (5) Where a charge imposed under subsection (1) is not paid within  
30 the period determined by the Agency, being a period beginning on the day on le,



1 which the charge became due and payable, the person liable shall pay to the  
2 Agency, in addition to the charge, a penalty not exceeding 50% of the sum  
3 calculated upon the unpaid amount of the charge from the day on which the  
4 charge became due.

5 (6) The penalty shall not exceed an amount equivalent to the 50%  
6 of the unpaid amount of the charge for each day during which it remains  
7 unpaid, calculated from the day on which the charge became due and  
8 payable.

9 (7) Unpaid charge and penalty may be recovered as debt due to the  
10 Agency.

11 PART VIII - SAFETY AND SECURITY OF SHIP

12 **30.** The Agency shall have power to do the following

Inspection of  
ships

13 (a) stop, board and inspect any ship or vessel within the territorial  
14 sea and inland waters of Nigeria in the discharge of its functions under this  
15 Act;

16 (b) interfere, intercept or do anything it deems necessary to  
17 enhance communication capabilities of ships, vessels or crafts within the  
18 AOR of the Agency under this Act:

19 (c) monitor any ship, vessel or craft with regard to ensuring the  
20 safety and security of maritime infrastructure within the AOR of the Agency  
21 under this Act:

22 PART IX - GENERAL PROVISIONS

23 **31.** The Agency, to ensure maritime security, may establish  
24 maritime security offices in any part of Nigeria or such other places  
25 considered necessary for the effective performance of its functions under  
26 this Act.

Establishment  
of maritime  
security offices

27 **32.** The Agency shall keep records of the following:

Records to be  
kept of ships

28 (a) the number, type, location, mission and capabilities of ship,  
29 vessel and craft entering or leaving Nigeria's territorial sea and inland  
30 waters; and

	1	(b) any other information that it deems necessary to enable it
	2	discharge its functions under this Act.
Power to detain ships	3	<b>33.</b> -(1) The Agency shall upon an application made to the court
	4	(where it believes that the master or owner of a ship has committed an offence
	5	under this Act), to cause a detention order to be issued to the ship in a prescribed
	6	form.
	7	(2) The power in subsection (1) of this section shall be exercised in
	8	accordance with the Ship Detention Order Regulations and other relevant laws
	9	in that regard.
Regulations	10	<b>34.</b> -(1) The Agency may, subject to the approval of the Board make
	11	regulations generally-(a) prescribing the matters required by this Act to be
	12	proscribe-
	13	(b) prescribing the manner in which and the persons or bodies by
	14	whom charges, levies and related penalties are to be collected; and the manner
	15	in which security may be provided for the payment of such charges, levies and
	16	related penalties;
	17	(c) regulating the detention of ships; and
	18	(d) prescribing all matters necessary or expedient for the achievement
	19	of the objectives of this Act.
	20	(2) The regulations made under subsection (1) of this section may
	21	include such incidental, supplementary or transitional provisions as may be
	22	reasonably necessary or expedient.
	23	(3) In making the regulations, the Agency shall take into account the
	24	need to give effect to the provisions of any international convention or
	25	agreement ratified by Nigeria.
	26	PART X - LEGAL PROCEEDINGS
Limitation of suits against the Agency	27	<b>35.</b> -(1) Notwithstanding anything contained in any other law or
	28	enactment, no person shall institute an action against the Agency, a member of
	29	the Board, the Director General or any staff of the Agency for any act done or
	30	omitted to be done in the discharge of any public duty under this Act or any

1 other law or in respect of any alleged neglect or default in execution of any  
 2 duty under this Act or any such law, unless it is commenced within one (1)  
 3 year after the act, neglect or default complained of; or in the case of a  
 4 continuance of damage or injury, within one (1) year after the ceasing of the  
 5 act.

6 (2) An action shall not commence against the Agency, a member of  
 7 the Board, the Director General or a staff of the Agency before the expiration  
 8 of a period of one (1) month after a written notice of intention to commence  
 9 the action had been served on the Agency by the intending plaintiff or his  
 10 agent and the notice shall clearly state the-

11 (a) cause of action;

12 (b) particulars of the claim;

13 (c) name and place of residence of the intending plaintiff; and

14 (d) the relief to be sought.

15 (3) The service of court process on the Agency shall be valid only if  
 16 such a process is served on the Director-General or Secretary or at the  
 17 designated office of the Agency.

18 (4) No arrest shall lie against any staff of the Agency whilst on duty  
 19 except with the consent of his immediate superior officer.

20 (5) Where a staff is found guilty of an offence by a competent court  
 21 and as a result of which the Agency has made any financial contribution,  
 22 such a staff shall indemnify the Agency for the contribution.

23 **36.** The Agency shall not be placed under judicial management or  
 24 liquidation except as authorized by an Act of the National Assembly.

Judicial  
management and  
liquidation

#### 25 PART XI - OFFENCES

26 **37.-(1)** A person who, willfully removes, destroys or damages any  
 27 property belonging to or which is in the custody or possession of the  
 28 Agency; or hinders or prevents such property from being used or operated in  
 29 the manner in which it is intended to be used or operated, commits an  
 30 offence and is liable on conviction to a minimum fine of N1,500,000.

Damage to  
property of the  
Agency

	1	(2) Any person convicted under Sub-section (1) of this Section shall,
	2	in addition, make good any loss, destruction or damage suffered by the Agency,
	3	including the expenses of any inspection or survey carried out by the Agency to
	4	ascertain such loss, destruction or damage.
Evasion of fees, levies, etc.	5	<b>38.</b> -(1) A person who by any means evades or attempts to evade,
	6	neglects or omits to pay any levy, charge or fee payable under this Act commits
	7	an offence and is liable on conviction to a minimum fine of N1,000,000 or to
	8	imprisonment for a term of six months or to both such imprisonment and fine.
	9	(2) Any person found guilty under Subsection (1) of this Section shall,
	10	in addition, pay to the Agency a penalty, double the amount of the levy, charge
	11	or fee evaded or attempted to be evaded or neglected or omitted to be paid.
Penalty for giving false statement	12	<b>39.</b> A person who makes, whether knowingly or recklessly any
	13	statement which is false in any material particular in any claim or other
	14	document which is requested or authorized to be made by or under this Act or a
	15	regulation made under it, commits an offence and is liable on conviction to a
	16	minimum fine of N1,000,000 or to imprisonment for a term of twelve months
	17	or to both fine and imprisonment.
Non-compliance with the directives of the Agency	18	<b>40.</b> -(1) A person who, without lawful excuse, refuses, neglects or fails
	19	to comply with any directive lawfully given by the Agency in the exercise of its
	20	powers under this Act; or who fails to comply with any provision of this Act or
	21	of any regulation made under it, commits an offence and is liable on conviction
	22	to a minimum fine of N1,500,000 or to imprisonment for a term of twelve
	23	months or both; and in the case of a continuing offence, to a further fine of
	24	N250,000 for every day during which the offence continues.
	25	(2) A person commits an offence if he, without lawful excuse, refuses
	26	or neglects to obey any directive given under this Act or a regulation made
	27	under it.
	28	(3) The Agency may, irrespective of whether any proceeding has been
	29	instituted against or any penalty imposed on such person for the refusal or
	30	neglect, do or cause to be done an such acts as are, in its opinion) reasonable or

1 necessary to carry out the directive.

2 (4) The Agency may hire or employ such persons as are necessary  
3 to make good whatever loss or damage may have been caused by the refusal  
4 or neglect of the person to whom the direction was given.

5 (5) Any expenses incurred by the Agency in the exercise of its  
6 powers under this section is recoverable from the person to whom the  
7 direction was given.

8 **41.** A person who hinders, obstructs or molests an employee, agent  
9 or contractor of the Agency in the performance of their duty commits an  
10 offence and is liable on conviction to a minimum fine of ₦650,000 or  
11 imprisonment for a term of six months or to both such fine and  
12 imprisonment.

Obstructing the  
Agency in the  
performance of  
its duties

13 **42.-(1)** Except for the purpose of the performance of his duties or  
14 when lawfully required to do so by a court or under the provisions of any  
15 law, a person who is or has been a member of the Board, the Director  
16 General, an employee, an adviser, an agent a contractor or of any other  
17 person of the Agency shall not disclose any information related to the affairs  
18 of the Agency which has been obtained by him in the performance of his  
19 duties or functions.

Preservation of  
Secrecy

20 (2) A person who contravenes subsection (1) of this section  
21 commits an offence and is liable on conviction to a minimum fine of  
22 ₦400,000 or imprisonment for a term of six months or to both such fine and  
23 imprisonment.

24 **43.-(1)** Where an offence under this Act or the Agency's  
25 regulations was committed by a company or other body or persons, any  
26 Agency Staff who, at the time the offence was or is privy to the committed  
27 offence, may be charged with the same offence.

Offences by  
companies and  
fines to be paid  
to the Agency

28 (2) If a company or other body of persons is convicted of an offence  
29 under this Act, any person charged with the same offence alongside the  
30 company or body of persons as an official of such a company shall be guilty

1 of that offence and be liable to the penalty prescribed for the offence unless he  
2 proves that the offence was committed without his knowledge or consent and  
3 that he exercised all such diligence to prevent the committing of the offence as  
4 he ought to have exercised, having regard to the nature of his functions in that  
5 capacity in the company, may be charged with the same offence.

6 (3) All sums collected as fines imposed for offences under this Act or  
7 the regulations shall be paid to the Agency.

8 (4) The Federal High Court has exclusive jurisdiction to try any  
9 offence under this Act.

Interpretation

10 **44.** In this Act-

11 “Act” means the Maritime Security Agency Act;

12 “action” includes a suit in a court of competent jurisdiction;

13 “Agency” means the Maritime Security Agency established under section 1 of  
14 this Act;

15 “Board” means the Governing Board of the Agency constituted under section 8  
16 of this Act;

17 “competent court” means the Federal High Court.

18 “Customs” means the Nigerian Customs Service;

19 “Immigration” means the Nigerian Immigration Service; “IMO” means the  
20 International Maritime Organization;

21 “ISPS” means the International Ships and Ports Facilities Security;

22 “major oil and gas company” means any company engaged in the exploration,  
23 exploitation, refining, sale or marketing of crude or refined petroleum products  
24 and includes oil services companies;

25 “member” means a member of the Board of the Agency and includes the  
26 chairman;

27 “NSA” means the National Security Adviser to the President;

28 “ONSA” means the Office of the National Security Adviser;

29 “Government” means the Federal Government of Nigeria;

30 “President” means the President of the Federal Republic of Nigeria;

1 “SSS” means the State Security Service.

2 45. This Bill may be cited as the Maritime Security Agency Short Title  
3 (Establishment, etc.) Bill, 2019.

4 SCHEDULES

5 FIRST SCHEDULE

6 Section 9 (4)

7 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE  
8 AGENCY

9 *Proceedings of the Board*

10 1. Subject to the provisions of this Act and section 27 of the  
11 Interpretation of the Act, the Board may make standing orders regulating its  
12 proceedings or that of any of its committees.

13 2. The Chairman shall preside at every meeting of the Board &  
14 and in his absence, the members present at the meeting shall appoint one of  
15 themselves to preside at the meeting; minutes shall be taken by the Secretary  
16 for each meeting of the Board and those of any of its committees.

17 3. The quorum for any meeting of the Board shall be five  
18 members.

19 4. The Board shall meet to deliberate on the affairs of the Agency  
20 and give directives, whenever it is summoned by the Chairman, after the  
21 members shall have been given one week written notice; and the Chairman  
22 shall, if so required by the notice given to him by no fewer than five  
23 members specifying, among other things, an agenda for the meeting,  
24 summon a meeting of the Board which shall be held not later than fourteen  
25 days from the date on which the notice is served on him, to discuss the items  
26 specified in the notice; and the Board shall, for the purposes of this Act, meet  
27 no fewer than four times in each calendar year.

28 5. A member of the Board who directly or indirectly has an interest  
29 of a personal nature, including but not limited to financial interests, in any  
30 contract made or proposed to be made by the Agency shall, so soon after the

1 facts of the matter of his interest have come to his knowledge, disclose the  
2 interest and its nature at a meeting of the Board.

3 6. A disclosure under paragraph (5) of this Schedule shall be recorded  
4 in the minutes of the Board meeting and the member concerned shall, after the  
5 disclosure, not take part in any deliberation or decision of the Board or vote on  
6 the matter.

7 7. The decisions at a meeting of the Board shall be taken by a simple  
8 majority vote of members present.

9 8. In the case of an equality of votes, the chairman shall have a casting  
10 vote.

11 *Committees*

12 9. Subject to its standing orders, the Board may appoint such number  
13 of standing or ad hoc committees as it thinks fit to consider and report on any  
14 matter with which the Agency is concerned.

15 10. A committee appointed under paragraph (9) of this Schedule  
16 shall-

17 (a) consist of such number of persons who may not necessarily be  
18 members of the Board as may be determined by the Board and the appointment  
19 of a non-member of the Board as a member of a committee shall be subject to  
20 such terms as would be indicated in his letter of appointment; and

21 (b) be presided over by a member of the Board.

22 *Miscellaneous*

23 11. The quorum of any committee set up by the Board shall be, as may  
24 be determined, from time to time, by the Board.

25 12. A decision of a committee of the Board shall not take effect until it  
26 is confirmed by the Board.

27 13. The fixing of the seal of the Agency shall be authenticated by the  
28 signature of the Secretary and that of the Chairman or any other member of the  
29 Board generally or specifically authorized by the Board to act for that purpose.

30 14. A contract or instrument which, if made by a person and not a



1 corporate body, would not be required to be under seal, may be executed on  
2 behalf of the Agency by any person generally or specifically authorized by  
3 the Board or the Director General to act for that purpose.

4 15. A document purporting to be a contract, instrument or other  
5 document duly signed or sealed on behalf of the Agency shall be received in  
6 evidence and shall, unless the contrary is proved, be presumed, without  
7 further proof, to have been so signed or sealed.

8 16. Subject to other provisions of this Act, the validity of any  
9 proceeding, act or decision of the Board or of any of its committees shall not  
10 be affected by-

11 (a) any vacancy in the membership of the Board or committee;

12 (b) any defect or irregularity in the appointment of a member of the  
13 Board or committee; or

14 (c) reason that any person who was not entitled to do so took part in  
15 the proceeding of the Board or a committee.

16 17. A member of the Board or a committee shall not be personally  
17 liable for any act or omission done or made in good faith while engaged in  
18 the business of the Agency.

19 18. A person shall not, by reason only of his membership of the  
20 Board, be treated as holding an office of emolument under the Government  
21 of the Federation.

## 22 SECOND SCHEDULE

### 23 *Section 9(2)*

#### 24 CONFLICT OF INTEREST

25 (I) Subject to further provisions of this Schedule, a member of the  
26 Board or staff of the Agency shall not have a direct or indirect financial  
27 interest or investment in any shipping, stevedoring, pilotage, oil and gas  
28 services terminal operations or any other service by or for the Agency, or  
29 receive therefrom any loan, remuneration or other right, or have any  
30 personal interest in any contract made or proposed to be made by the Agency

1 throughout the term of his office or employment with the Agency.

2 (2) Subject to paragraphs (3) and (4) of this Schedule, each member of  
3 the Board or staff of the Agency shall, on an annual basis, present a written  
4 declaration, not later than the third month of each year, affirming that no such  
5 interest as is specified in paragraph (1) of this Schedule shall arise during his  
6 term or employment with the Agency.

7 (3) The members of the Board and staff of the Agency, as from the  
8 commencement of this Act, shall be entitled to a maximum period of six  
9 months to divest themselves of any direct or indirect financial interests or  
10 investments in any shipping, stevedoring, pilotage or oil and gas services  
11 terminal operations or any other similar engagements.

12 (4) All newly appointed members or staff of the Agency, after the  
13 commencement of this Act, shall be entitled to a maximum period of three  
14 months from their respective dates of appointment to divest themselves of any  
15 direct or indirect financial interests or investments in any shipping, stevedoring  
16 or any similar engagement.

17 (5) Each member or staff of the Agency shall declare, on appointment  
18 or at the commencement of employment and annually thereafter, for as long as  
19 he is in the employment of the Agency, any interest or investment that he-

20 (a) knowingly has; or

21 (b) knows any member of his immediate family to have in any aspect  
22 of the maritime industry.

23 (6) If a member or staff of the Agency contravenes the provisions of  
24 paragraphs (1) and (2) of this Schedule or gives false information under  
25 paragraph (5), he commits an offence and is liable on conviction to a fine of  
26 ₦1,000,000 or imprisonment for a term of one year or to both such fine and  
27 imprisonment.

28 (7) Subject to paragraph (8) of this Schedule, the Board may, from  
29 time to time, waive the application of the prohibitions specified in paragraphs  
30 (1) and (2) of this Schedule to a member or staff of the Agency if the Board

1 determines that the financial interest of the member or staff is not prejudicial  
2 to nor negates the objectives of the Agency.

3 (8) The Board, in determining whether or not the interest of a  
4 member or staff of the Agency is minimal or not prejudicial to nor negates  
5 the objectives of the Agency., shall consider factors including, but not  
6 limited to the-

7 (a) revenues, investments, profits and managerial efforts of the  
8 relevant company or other entity in regard to its maritime activities  
9 compared with the functions and responsibilities of the Agency or those of  
10 that company or entity;

11 (b) extent to which the Agency regulates and oversees the activities  
12 of such company or entity;

13 (c) degree to which the economic interests of such company or  
14 other entity may be affected by an action of the Agency; and

15 (d) perceptions held or likely to be held by members of the public  
16 regarding the relevant person's financial interest or investment in that  
17 company or entity.

18 (9) The Board may at any time, review and reverse its  
19 determination under paragraph (7) of this Schedule and direct the  
20 application of the prohibitions contained in this Schedule to the affected  
21 member or staff of the Agency; and the Board shall not be under any  
22 obligation to disclose the reason or basis for its review to the affected  
23 member or staff.

24 (10) In any case in which the Board exercises the waiver or the  
25 review as specified in paragraphs (7) and (9) of this Schedule, it shall publish  
26 the details thereof and such publication shall include information regarding  
27 the identity of the person who has been granted the waiver or whose waiver  
28 grant has been reviewed; the position held by such person and the nature of  
29 the financial interests which are the subject of the waiver or the review.

30 (11) For the purpose of this Schedule-

1           (a) “company” includes partnerships and undertakings howsoever  
2 defined; and

3           (b) “immediate family” means a person's spouse, a partner living with  
4 that person as if they were married to each other, and children under the age of  
5 18 years.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provides, among other things, for the establishment of a Maritime Security Agency which shall be charged with the responsibility of providing security and intelligent actionable maritime domain awareness information in line with its objectives and functions as contained in Parts II and III of this Act, to all maritime stakeholders in Nigeria.

# A BILL

## FOR

AN ACT TO PREVENT THE USE OF THE INTERNET TO DISTRIBUTE  
PORNOGRAPHIC MATERIAL INVOLVING CHILDREN AND FOR RELATED  
MATTERS

*Sponsored by Hon. Francis Charles Uduyok*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

- |    |   |                    |
|----|---|--------------------|
| 1  | <b>1.</b> The objective of the Bill is to prevent the use of the internet to      | Objective of the   |
| 2  | promote, display, describe or facilitate participation in unlawful sexual         | Bill               |
| 3  | activities involving young persons.   |                    |
| 4  | <b>2.</b> No person must offer the Services of, or operate as an internet         | License to operate |
| 5  | service provider unless the person has been granted a license to operate as an    |                    |
| 6  | internet service provider in accordance with the provisions of this Bill.         |                    |
| 7  | <b>3.</b> The Commission may grant a license to operate as an internet            | Granting a         |
| 8  | service provider to any applicant who meets the prescribed requirements           | License            |
| 9  | and who has submitted to the Commission:  |                    |
| 10 | (a) an application in the prescribed form and manner; and                         |                    |
| 11 | (b) a written undertaking to report the prescribed information in                 |                    |
| 12 | accordance with the regulations.  |                    |
| 13 | <b>4.</b> The Commission may cancel a license granted under Section 4,            | License            |
| 14 | if the licensee or, where the licensee is a corporation, a director or officer of | withdrawal         |
| 15 | the corporation is convicted of any designated offence involving a child.         |                    |
| 16 | <b>5.-(1)</b> Not internet service provider must knowingly permit the use         | Prohibition        |
| 17 | its service:  | Service            |
| 18 | (a) For placing child pornography on the internet;                                |                    |
| 19 | (b) By any reason who the provider knows under the law within the                 |                    |
| 20 | previous five years, or   |                    |

	1	(c) By any person who the providers know has used the internet
	2	within the previous.
	3	(2) No person must place child pornography on the internet for the
	4	purpose of communicating it to another person for viewing, reading, copying
	5	or retrieval, whether such access is open or restricted by any means.
	6	(3) No person must possess any child pornography retrieved from the
	7	internet.
	8	(4) Nor person must use the internet to contact a person or to respond
	9	to a contact for the purpose of facilitating a designated offence involving a
	10	child.
Bilateral agreement	11	6. The Minister may enter into agreement with any foreign state for
	12	the exchange of information and co-operation to prevent or minimize the use of
	13	the internet for the publication or proliferation of child pornography or for
	14	facilitating the Commission of criminal offence or a similar law of the foreign
	15	state.
Issuance of Warrants	16	7. The Minister may prescribe any special powers that are reasonably
	17	necessary in the opinion of the Minister to facilitate searches of electronic data
	18	or systems of storage in the execution of a search warrant issued in respect of
	19	any suspected offence under this law.
Access Blocked	20	8. The Minister may order an internet service provider to use all
	21	means that are reasonably available to the internet service provider to prevent
	22	access by its subscribers to any material on the internet that the minister, after
	23	reasonable inquiry determines.
Offences and Punishment	24	9.-(1) A person who contravenes any provisions of sections 6 of this
	25	law is guilty on conviction to a fine not exceeding N500, 000.00 or to
	26	imprisonment for a term not exceeding two years or both.
	27	(2) If a corporation commits an offence under Sub-Section (1) of this
	28	Section shall, a director or officer of that corporation on which the offence is
	29	based before it is committed, or become aware of them while it is being

1 committed, is guilty of the offence and liable to the punishment provided in  
2 Sub-Section (1).

3 **10.-(1)** An internet service provider who refuses or fails to comply Offence and  
Penalty  
4 with an order made under Section 10 is guilty of an offence and liable on  
5 conviction to a fine not exceeding N500, 000.00 or to imprisonment for a  
6 term not exceeding one year or both;

7 (2) If a corporation is the internet service provider commits an  
8 offence under Sub-Section (i) of Section (ii) a director or officer of that  
9 corporation is guilty of the offence and liable to the punishment provided in  
10 Sub-Section (i) of Section (ii).

11 **11.** An internet service provider is not guilty of an offence under  
12 Section (6) if, immediately after becoming aware that a person is using its  
13 service to commit an offence under this law, the provider:

14 (a) terminates its service to that provider;

15 (b) takes all reasonably necessary steps to remove or prevent  
16 access to any material unlawfully placed on the internet by that person; and

17 (c) advice the Minister of the identify of that person, the nature of  
18 the material and the means whereby it may be accessed by others.

19 **12.-(1)** The Minister may make regulations prescribing: Regulations

20 (a) the form and manner of making an application for a license  
21 under Section 3;

22 (b) any financial and technical resources that an applicant must  
23 show to the Commission in order to be granted a license under Section 3;

24 (c) any information that a person who is granted a license under  
25 Section 3 is required to report to the Commission for the purposes of this  
26 law;

27 (d) any special powers that may be confirmed by a search warrant  
28 issued for the purpose of Section 8; and

29 (e) anything that by this law is to be prescribed.

Interpretation	<p>1                   <b>13.</b> Unless otherwise directed, the following definition shall apply in</p> <p>2   this Law:</p> <p>3   "Pornography" means any material and or film that are designed to cause</p> <p>4   sexual excitement or referring to sexual acts;</p> <p>5   "Commission" means the Nigerian Communication Commission (NCC);</p> <p>6   "Designated Offence Involving Child" Means an offence where the victim was</p> <p>7   14 years of age or more but under the age of 18years at the time of the</p> <p>8   Commission of the offence and the offender was in a position of trust or</p> <p>9   authority towards the victim was in a relationship of dependency or where the</p> <p>10   victim was under the age of 14years at the time of the Commission of the</p> <p>11   offence;</p> <p>12   "Minister" means the Political Head of the Ministry in charge of</p> <p>13   Communications Technology;</p> <p>14   "Internet Service Provider" means a person who provides a service that</p> <p>15   facilitates access to the internet, whether or not the service is provided free or</p> <p>16   for a charge;</p> <p>17   "Prescribed: means prescribed by regulation;</p> <p>18   "Subscriber" means a person who contracts with or uses the service of an</p> <p>19   internet service provider to obtain access to the internet.</p>
Short title	<p>20                   <b>14.</b> This Bill may be cited as the Internet Child Pornography</p> <p>21   Prevention Bill, 2019.</p>

## EXPLANATORY NOTE

This Bill Seeks to prevent the Act of Child Pornography through the use of Internet and provide punishment for such Acts.