

**PROPOSALS FOR REFORMING THE CODE OF CONDUCT BUREAU AND TRIBUNAL TO DEAL WITH COMPLAINTS OF CORRUPTION BY PUBLIC SERVANTS AND THE BREACHES OF ITS PROVISIONS AND TO REPEAL THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT CAP. C15 LFN,2004.**

**PROPOSALS FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE CODE OF CONDUCT BUREAU AND TRIBUNAL TO PREVENT OR DEAL WITH CORRUPTION IN THE PUBLIC SERVICE**

**1. Establishment of the Code of Conduct Bureau**

- (1) There is hereby established a bureau to be known as the Code of Conduct Bureau (in this Act referred to as “the Bureau”).
- (2) **The Bureau shall**
  - a. **be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.**
  - b. **establish such offices in each state of the Federation as may be required for the discharge of its functions under this Act.**

**2. Appointment of the Chairman and members of the Bureau**

- (1) The chairman and the other members of the Bureau shall be appointed by the President subject to confirmation of the Senate.
- (2) **The remuneration and salaries of the chairman and members of the Bureau shall be determined by the National Revenue Mobilization, Allocation and Fiscal Commission.**

**3. Composition of the Bureau**

- (1) The Bureau shall consist of a Chairman and **Six (6) other members** who shall be persons of unimpeachable integrity.
- (2) **Each of the members referred to in subsection 1 shall be ex-officio members and appointed from the directorate cadre of the following agencies;**
  - a. **ICPC**
  - b. **NPF**
  - c. **FMOJ**
  - d. **Bureau of Public Procurement**
  - e. **Auditor General of the Federation**
  - f. **Federal Civil Service Commission**

**Provided that in appointing the six members, the President shall not appoint more than one person from each geo-political zone.**

- (3) The chairman shall-
  - a. be the chief executive and accounting officer of the Bureau.
  - b. possess not less than 15 years cognate experience in the public or private sector
- (4) The chairman and members of the Bureau shall not discharge the duties of their offices until they have declared their assets and liabilities as prescribed in the Constitution of the Federal Republic of Nigeria and in this Bill.
- (5) The chairman shall serve on full-time basis.

#### 4. Tenure of Office of the Chairman and Members of the Bureau

- (1) The chairman and members of the Bureau shall serve for a period of five years and may be appointed for a further term of five years and no more.
- (2) The chairman or any member of the Bureau may at any time be removed by the President subject to the approval of the Senate; for inability to discharge the functions of his office (whether arising from:
  - a. infirmity of mind or body or any other cause) or
  - b. for misconduct.
- (3) For the purpose of Section 4 (2) (b) “misconduct” means-
  - a. Breach of the oath of allegiance or oath of office by the chairman or member,
  - b. Breach of the provisions of the Constitution or of this Bill,
  - c. Conviction by a court of law for an offence involving a sentence of death or a sentence of imprisonment for any offence involving dishonesty or fraud (by whatever name called) or any other sentence imposed on him by any court or tribunal or substituted by a competent authority for any other sentence imposed on him by such a court or tribunal.
- (4) The chairman or any member of the Bureau may resign his appointment by notice in writing addressed to the President and that chairman or member shall, on the date of the receipt of the notice by the President, cease to be a member of the Bureau.
- (5) Where a vacancy occurs in the membership of the Bureau, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, the successor shall represent the same interest as his predecessor as referred to in section 3(2) above.

#### 5. Aims and objectives of the Bureau

The aims and objectives of the Bureau shall be to

- (1) establish and maintain a high standard of (transparency and accountability) in the conduct of government business; ~~and~~
- (2) to ensure that the actions and
- (3) of public officers and persons doing business with the public sector conform to international best practices;
- (4) to prevent the theft of public assets, abuse of office or power or other illicit use of public office; and
- (5) to ensure transparency in conducting the business of government.

## 6. Functions of the Bureau

- (1) The functions of the Bureau shall be to—
  - (a) receive assets declarations by public officers in accordance with the provisions of this Bill;
  - (b) examine the assets declarations and ensure that they comply with the requirements of this Bill and of any law for the time being in force;
  - (c) ensure compliance with and where appropriate, enforce the provisions of the Code of Conduct as contained in this Bill or any other law;
  - (d) verify and evaluate the assets and liabilities so declared by all public officers;
  - (e) take and retain custody of such assets declarations;
  - (f) make available to any member of the public on application and after payment of the prescribed nominal fees, certified copies of such assets declarations;
  - (g) investigate complaints or petitions about non-compliance with or breach of the provisions of this Bill;
  - (h) invite or summon such persons or authority as it deems necessary for the purpose of carrying out its investigations on complaints or petitions before it.
  - (i) demand for the production of any title deed or document relating to the properties, assets and liabilities of any public officer being investigated.
  - (j) demand from any person, department or organization having any transaction with a public officer being investigated to produce any document or disclose any information or account as may be required by the Bureau for the purpose of investigation.
  - (k) receive complaints about non-compliance with or breach of this Bill and where the Bureau considers it necessary to do so, refer such complaints to the Code of Conduct Tribunal established by section 22 of this Bill in accordance with the provisions of sections 22 to 28 of this Bill:

Provided that where the person concerned makes a written admission of such breach or non-compliance, no reference to the Tribunal shall be **made and such public officer shall declare the assets and liabilities so admitted within 30 days from the date of the admission.**

- (m) **Where the Bureau alleges that a serving judicial officer is in breach of the provisions of this Bill it shall refer its findings to the National Judicial Council.**
- (n) **The National Judicial Council shall within sixty (60) days carry out enquiry, or investigate the judicial officer concerned.**
- (o) **The National Judicial Council shall where it finds the conduct of the said judicial officer to be in breach of the provisions of the Code of Conduct provisions-**
  - i. **treat the said judicial officer in accordance with paragraphs 21(b) and (d) in Part 1 of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 as amended, and**
  - ii. **recommend the prosecution of the judicial officer at the Code of Conduct Tribunal and under any applicable law.**

**Provided that where the National Judicial Council fails or neglects to act upon the finding of the Bureau referred to in subsection (m) hereof, the Bureau shall, after the (60) sixty days provided for in subsection (n) hereof, commence prosecution of the judicial officer involved.**

- (3) **The Bureau shall, not later than 31<sup>st</sup> of March of every year publish a report which shall contain:**
  - (a) **List of all assets declared**
  - (b) **List of all assets declared and verified**
  - (c) **Total Number of complaints received**
  - (d) **List of complaints referred to the Tribunal; and**
  - (e) **Any other information showing the performance of their functions.**

- (2) The National Assembly may by law confer on the Bureau such additional powers as may appear to it to be necessary to enable the Bureau to discharge more effectively the functions conferred on it under this Bill.

## **7. Members of staff of the Bureau**

- (1) Subject to the provisions of this Act, the tenure of office of staff of the Bureau shall be the same as that provided for in respect of officers in the civil service of the Federation.

- (2) The power to appoint members of staff of the Bureau and to exercise disciplinary control over them shall vest in the Bureau and shall be exercisable in accordance with the provisions of rules and regulations which may be made by the Bureau.

**8. Conflict of interest with duty**

- (1) A public officer shall not put himself in a position where his personal interest conflicts with his duties and responsibilities.
- (2) A public Officer shall use the best efforts to avoid being in a situation where the public officer's personal interests conflict with or appear to conflict with the officer's official duties.
- (3) Without limiting the generality of subsections (1) and (2), a public officer shall not hold shares or have any other interest in a company, partnership or other body directly or through another person, if the holding of those shares or having that interest would result in a conflict with the officer's official duties.
- (4) A public officer whose personal interest is, or may be in conflict with his official duties shall declare the personal interest to the department or agency where he works.
- (5) The department or agency where such public officer is serving may give direction on the appropriate action to be taken by the officer to avoid the conflict of interests and the officer shall-
- a) comply with the directions; and
- b) refrain from participating in any deliberation with respect to the matter.
- (6) Notwithstanding any direction to the contrary under subsection (5); a public officer shall not award or influence the award of a contract to –
- a) The officer
- b) The officer's spouse or child; or
- c) The officer's business associate or agent; or
- d) any company in which the officer has an interest.
- (7) Where a public officer is present at a meeting where an issue that is likely to result in a conflict of interest is to be discussed, he shall declare the interest at the beginning of the meeting or before the issue is deliberated upon.
- (8) A declaration of a conflict of interest under sub-section (7) shall be recorded in the minutes of that meeting.

- (9) The department or agency shall maintain a register of conflict of interest set out as (FORM CCB.02) in the First Schedule to this Bill in which an affected officer shall register the particulars of registrable interests stating the nature and extent of the conflict.
- (10) For the purposes of sub-section (9), the registrable interests include interests set out in the First Schedule.
- (11) It shall be the duty of each department or agency to maintain and keep the register of conflict of interest.
- (12) A public officer shall amend the record of his registrable interest in the register maintained under sub-section (9) whenever there is a change in those registrable interests and such an amendment shall be within 30 days of the change in the conflict of interest.

## 9. Restrictions on specified officers

Without prejudice to the generality of section 8 of this Bill, a public officer shall not—  
receive or be paid the emoluments of any public office at the same time as he receives  
or is paid the emoluments of any other public office; or

- a. except where he is not employed on full-time basis, engage or participate in the management or running of any private business, profession or trade; but nothing in this paragraph shall prevent a public officer from engaging in farming or participating in the management or running of any farm.
- b. a public officer shall not be influenced in the performance of his duties by plans or expectations for or offers of future employment or benefits from any person.
- c. a public officer shall disclose in writing to the department or agency where he works, all offers of future employment or benefits that may place him in a situation of conflict of interest.

## 10. Prohibition of foreign accounts

- (1) Any public officer specified in the Second Schedule to this Act or any other person as may be prescribed by the National Assembly shall not maintain or operate a bank account in any country outside Nigeria.
- (2) a public officer shall not be an agent of, or further the interest of a foreign government, organisation or individual in a manner that may be detrimental to the interests of Nigeria.
- (3) Where a public officer prior to the appointment or election to that office, maintained or operated a bank account in any country outside Nigeria, the

**officer shall disclose such an account to the Bureau and attach the statement of account as at the date of declaration.**

- (4) **Where such a disclosure is made, the Bureau shall within 45 days of the submission of the Asset Declaration form direct the officer as to the appropriate action with respect to the account**

#### **11. Retired public officers**

**A public officer shall not, after the officer's retirement from public service or expiration of the officer's term of office and while receiving pension from public funds,**

- a. **accept more than one remunerative position as chairman, director or employee of a company owned or controlled by any Government or public authority, or**
- b. **receive any other remuneration from public funds in addition to the officer's pension and the emolument of one such remunerative position.**

#### **12. Certain retired public officers**

1. Retired public officers who have held offices to which this section applies are prohibited from service or employment in foreign companies or foreign enterprises.
2. This section applies to the office of President, Vice-President, Chief Justice of Nigeria, Governor and Deputy Governor of a State.
3. **Any retired public officer found by the Bureau to have violated the provision of this section shall be referred to the Tribunal.**

#### **13. Gifts or benefits in kind**

1. A public officer shall not ask for or accept any gift, property or benefit of any kind for the officer or any other person on account of anything done or omitted to be done by **the public officer** in the discharge of the **officer's** duties.
2. For the purpose of subsection (1) of this section, the receipt by a public officer of any gift or benefit from commercial firms, business enterprises or persons who have contracts with the Government, shall be presumed to have been received in contravention of subsection (1) of this section, unless the contrary is proved.
3. A public officer shall only accept personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognised by custom.

#### **14. Restriction on loans, gifts or benefits to certain public officers**

The President or Vice-President, Governor or Deputy Governor, Minister of the Government of the Federation or Commissioner of the Government of a State or any other

public officer who holds office **as** a Director-General or head of any public corporation, university, or other parastatal **or** organisation shall not accept—

- a. a loan, except from government or any of its agencies or a bank, building society or other financial institutions recognised by law; or
- b. any benefit of whatever nature from any company, contractor, businessman or the nominee or agent of such person:

Provided that the head of a public corporation or of a university or other parastatal or organisation may, subject to the rules and regulations of any such body, accept a loan from any such body.

#### **15. Bribery of public officers**

- (1) No person shall offer a public **officer and no public officer shall accept** any property, gift or benefit of any kind as an inducement or bribe for the granting of any favour or the discharge in his favour of the public officer's duties.

#### **16. Abuse of powers**

- (1) A public officer shall not do or direct to be done, in abuse of his office, any act prejudicial to the rights of any other person, knowing that such act is unlawful or contrary to any government policy.
- (2) A public officer shall not use public property, funds or services that are required in the course of, or as a result of, the official duties for activities for which they were not intended.
- (3) A public officer shall return to the issuing authority all the public property in his or her custody, possession or control at the end of his or her appointment or employment.
- (4) A public officer shall not, in his private capacity, whether through a company or an agent; participate in a tender for the supply of goods or services to any department or agency of the government.

#### **17. Membership of societies**

A public officer shall not be a member of or belong to or take part in any society the membership of which is incompatible with the functions or dignity of his office.

#### **18. Declaration of assets**

- (1) Every public officer shall, **immediately after taking office but not later than three months from assumption of office and thereafter -**
  - a. **at the end of every 12 months in office;**



- b. **at the end of his term of office; and**
- c. in the case of a serving officer, within thirty days of the receipt of the form from the Bureau or at such other intervals as the Bureau may specify, submit to the Bureau a written declaration in the Form prescribed in the First Schedule to this Bill or, in such form as the Bureau may, from time to time, specify, of all his properties, assets and liabilities and those of his spouse or unmarried children under the age of twenty-one years.

[First Schedule.]

**(2) The details to be disclosed shall include particulars of all immovable property and the total approximate value of**

- (a) **shares and debentures**
- (b) **cash holdings**
- (c) **jewellery, or**
- (d) **any other assets of value,**

**Such a statement of assets and liabilities shall be in respect of the financial year.**

**(3) The Bureau shall verify the content of the asset declaration form of the President, Vice-President, Governors, Deputy Governors, Ministers, Members of Legislative Houses, Commissioners, Chairmen of Local Government, Permanent Secretaries, Directors and political appointees.**

- (4) Any statement in any declaration that is found to be false by any authority or person authorised on that behalf to verify it, shall be deemed to be a breach of this Bill.
- (5) Any property or asset acquired by a public officer after any declaration required by subsection (1) of this section and which is not fairly attributable to income, gifts or loan approved by this Bill, shall be deemed to have been acquired in breach of this Bill unless the contrary is proved

**19. Allegation of breach of provisions of this Bill**

- (a) Any complaint that a public officer has committed a breach of or has not complied with the provisions of this Bill shall be made to the Bureau.
- ~~(b) It shall be an offence for any officer of the bureau to disclose the identity of the complainant~~

**20. Agents and nominees**

A public officer who does any act prohibited by this Bill through a nominee, trustee or other agent shall be deemed ipso facto to have committed a breach of this Bill.

## ~~Exemption~~

- ~~(1) The President may by order exempt any cadre of public officers from the provisions of this Act if it appears to him that their position in the public service is below the rank which it considers appropriate for the application of those provisions.~~
- ~~(2) The President may by order confer on the Bureau such additional powers as may appear to it to be necessary to enable it to discharge more effectively the functions conferred upon it under this Act. In ambianee~~

## 21. Indemnity of members of the Bureau

The chairman, other members **and staff** of the Bureau shall not be liable, and shall be indemnified, in any action or litigation for any act or omission done or purported to be done in the course of the discharge of their duties under this Bill.

## 22. Establishment of the Code of Conduct Tribunal

There is hereby established a tribunal to be known as the Code of Conduct Tribunal (in this Act referred to as “the Tribunal”).

## 23. Composition of the Tribunal

### (1). The Tribunal shall consist of-

a. the chairman who shall have overall control and supervision of the administration of the Tribunal and

b. not less than 20 other members of the Tribunal .

(2) There shall be constituted a panel of the Tribunal to sit in the Federal Capital Territory and in each geo-political zone of the country.

(3) For the purposes of any proceedings, the quorum for the tribunal shall be three members with one of the members presiding.

## 24. Qualification, Appointment and Remuneration of the Chairman and Members of the Code of Conduct Tribunal

- (1) The chairman **and other members of the tribunal** shall be persons who have held office, or qualified to hold office as Judges of a superior court of record in Nigeria and shall receive such remuneration as may be prescribed by law.

**(2) The appointment of a person to the office of chairman of the Code of Conduct Tribunal shall be made by the President on the recommendation of the National Judicial Council subject to confirmation by the Senate.**

**(3) The appointment of a person as a member of the Code of Conduct Tribunal shall be made by the President on the recommendation of the National Judicial Council;**

**25. Vacancy and removal from office of Chairman and Members of the Code of Conduct Tribunal**

**(1) Where the office of the chairman or member of the Code of Conduct Tribunal is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the President shall appoint the most senior Member of the Code of Conduct Tribunal to perform those functions.**

**(2) Except on the recommendation of the National Judicial Council, an appointment pursuant to subsection (1) of this section shall cease to have effect after the expiration of three months from the date of such appointment and the President shall not reappoint a person whose appointment has elapsed.**

**(3) The National Assembly may by law confer on the Tribunal such additional powers as may appear to it to be necessary to enable the Tribunal to discharge more effectively the functions conferred on it under this Bill.**

**26. Staff**

**(1) The tenure and conditions of office of the staff of the Tribunal shall, subject to the provisions of this Bill, be the same as that of staff in the Federal Judicial Service Commission.**

**(2) The power to appoint the staff of the Tribunal and to exercise disciplinary control over them shall vest in the Federal Judicial Service Commission.**

**27. Tenure of office of Chairman and members of the Tribunal**

**(1) Subject to the provisions of this section, a person holding the office of chairman or member of the Tribunal may retire when he attains the age of sixty years and he shall cease to hold office when he attains the age of sixty-five years.**

**(2) A person who has held office as chairman or member of the Tribunal for a period of not less than fifteen years shall, if he retires at the age of sixty five , be entitled to**

pension for life at a rate equivalent to his last annual salary in addition to other retirement benefits to which he may be entitled.

- (3) A person who has held office as chairman or member of the Tribunal for a period of less than fifteen years shall if he retires at or after the age of sixty years or sixty five years as the case may be, be entitled to pension for life at a rate pro rata the number of years he served as a Chairman or Member of the tribunal in addition to other retirement benefits to which he may be entitled.
- (4) A Chairman or Member of the Tribunal shall not be removed from office or appointment before his age of retirement except in the following circumstances-
  - a. In the case of the Chairman of the Tribunal, by the President acting on an address supported by two-thirds majority of the Senate praying that the Chairman be so removed for inability to discharge the functions of the office or appointment ( whether arising from infirmity of mind or of body) or for misconduct or contravention of the Code of Conduct;
  - b. In the case of a Member of the Tribunal, by the President acting on the recommendation of the National Judicial Council that the Member be so removed for inability to discharge the functions of the office or appointment( whether arising from infirmity of mind or of body) or for misconduct or contravention of the Code of Conduct
- (5) Any person who has held office as a chairman or member of the Tribunal shall not on ceasing to be a chairman or member of the Tribunal for any reason whatsoever thereafter appear or act as a legal practitioner before any court of law or tribunal in Nigeria.

## **28. Powers of the Tribunal to Impose Punishment**

- (1) Where the Tribunal finds a public officer guilty of contravening any of the provisions of this Bill, it shall impose upon that officer any of the punishments specified under subsection (2) of this section.
- (2) The punishment which the Tribunal may impose shall include any of the following—
  - (a) vacation of office or any elective or nominated office, as the case may be;
  - (b) disqualification from holding any public office (whether elective or not) for a period not exceeding ten years; and
  - (c) seizure and forfeiture to the Federal, State or Local government as the case may be of any propertyor benefit acquired in abuse or corruption of officeor in breach of this Bill.

**(d) Demotion to the immediate grade level before his current grade level.**

- (3) The punishments mentioned in subsection (2) of this section shall be without prejudice to the penalties that may be imposed by any law where the breach **or** conduct is also a criminal offence under any other enactment or law.
- (4) Where the Tribunal gives a decision as to whether or not a person is guilty of a contravention of any of the provisions of this Bill, an appeal shall lie as of right from such decision or from any punishment imposed on such person to the Court of Appeal at the instance of any party to the proceedings.
- (5) Any right of appeal to the Court of Appeal from the decision of the Tribunal conferred by subsection (4) of this section shall be exercised in accordance with the provisions of the rules of court for the time being in force regulating the powers, practice and procedure of the Court of Appeal.
- (6) Nothing in this section shall prejudice the prosecution of a public officer punished under this section, or preclude such officer from being prosecuted or punished for an offence in a court of law.

Subsection (7) is deleted for being a repetition of section 17 of the extant Act and section 20 of this Proposals.

~~A public officer who does any act prohibited by this Act through a nominee, trustee or other agent shall be deemed ipso facto to have committed a breach of this Act.~~

**29. Rules of procedure and institution of proceedings**

- (1) The rules of procedure to be adopted in any prosecution for the offences under this Bill before the Tribunal, and the forms to be used in such prosecutions shall be as set out in the Third Schedule to this Bill.

[ Third Schedule. ]

- (2) Prosecutions for all offences referred to in this Bill shall be instituted in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such officers in the Federal Ministry of Justice as the Attorney-General of the Federation may authorise so to do.
- (3) For the purpose of subsection (2) of this section, the Attorney-General of the Federation may—
  - (a) after consultation with the Attorney-General of any State in the Federation, authorise any officer of the Ministry of Justice of the State concerned to undertake any such prosecutions directly or assist therein; or
  - (b) if the ~~Bureau Tribunal~~ **Bureau Tribunal** so requests, or if contingencies so dictate, authorise any other legal practitioner in Nigeria to undertake any such prosecution or assist therein:

(4) Any person defendant of any offence referred to in this Bill shall be entitled to defend himself in person or by a legal practitioner of his own choice.

### 30. Power to issue search warrants

Notwithstanding the provisions of any other enactment conferring power to search, if the chairman **or a member** of the Tribunal is satisfied that there is a reasonable ground to suspect that there may be found in any building or other place whatsoever, any books, records, statements or information in any form whatsoever, which, in his opinion, are or may be material to the charge or any trial under this Act, he may issue a warrant under his hand authorising any police officer or any member of the security agencies to enter, if necessary by force, the said building or other place and every part thereof, and to search for, seize and remove any such material as aforesaid, found therein.

## PART III

### *Miscellaneous*

### 31. Interpretation

In this Act, unless the context otherwise requires—

“the Bureau” means the Code of Conduct Bureau established by the Constitution and under section 1 of this Bill;

“business” means any profession, vocation, trade or any adventure or concern in the nature of trade, and excludes farming;

“child” includes a step-child, a lawfully adopted child, ~~a child born out of wedlock~~ and any child to whom any individual stands in place of a parent;

**“ conflict of interest” includes the interest of a spouse, a child, a business associate or an agent, or any other matter in which the public officer has a direct or indirect pecuniary or non-pecuniary interest..**

“emolument” means any salary, wage, overtime or leave pay, commission, fee, bonus, gratuity, benefit, advantage (whether or not the allowance, pension or annuity is paid, given or granted in respect of any employment or office);

“functions” includes powers and duties;

“foreign companies” or “foreign enterprises” means companies or enterprises in which the controlling shares are owned by persons other than the Government, its agencies or citizens of Nigeria;

“members” includes the members of the Bureau or the Tribunal as the case may be;

“public officer” means a person holding any of the offices specified in the Second Schedule to this Act;

“the Tribunal” means the Tribunal established by and under section 20 of this Act.

### **32. Short title**

This Act may be cited as Code of Conduct Bureau and Tribunal Act.

## SCHEDULES

### **REGISTRABLE INTERESTS**

1. **Directorships in public or private companies, whether or not remunerated directly or indirectly.**
2. **Remunerated employment, including office, trade, professional, or vocational, or in which the public officer has any pecuniary interest.**
3. **Securities (shares, bonds, debentures or other similar holding) in a company, enterprise or undertaking the aggregate, nominal or market of a value which exceeds the value prescribed by the Bureau.**
4. **Contracts for supply of goods and services to the department or agency.**
5. **Offers of future employment.**
6. **Shareholdings in public or private companies amounting to a controlling interest.**
7. **Landholdings.**
8. **Gold, silver, diamond, jewelleries and other ornaments**
9. ~~**Gifts, benefits and hospitality, including — to a spouse, child, partner or business associate, or other material benefit of a value prescribed by the department or agency from a company, organisation or person within or outside Nigeria which relates to the public office.**~~
10. **Pending civil claims against the public officer.**
11. **Pending criminal charges against the public officer.**
12. **Citizenship of another country.**

FIRST SCHEDULE

FORM (CCB. 1)

ASSETS DECLARATION FORM FOR PUBLIC OFFICERS

- 1. Full name of declarant: .....
- 2. Present appointment and date:.....
- 3. Rank: .....

4. **Permanent Home Address: ...**

**Current residential address**

**Address of place of Work**

**Email**

**Phone Number:**

- 5. (a) Last appointment: .....
- (b) Date of appointment: From.....To .....

6. Details of assets:.....

(a) Cash in hand (if over **#100,000**) .....

(b) Cash in bank in Nigeria (give particulars of banks **including bank account details and Bank Verification Numbers**) .....

(c) Cash in bank outside Nigeria (give particulars of banks and countries) .....

(d) **Negotiable instruments** .....

(e) Landed property in Nigeria (give details together with value of each and annual income derived from each)—Date acquired Total value Annual income

- (i) Buildings .....
- (ii) Farms .....
- (iii) Vacant land .....
- (iv) Factories .....
- (v) Other enterprises .....

How acquired:

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....
- (v) .....

(f) Movable property or assets: Date acquired Total value Annual income

- (i) Vehicles .....
- Boats/other means of transport .....
- (ii) Machinery, etc .....



(iii) Furniture .....

(g) How acquired:

(i) .....

(ii) .....

(iii) .....

(iv) .....

(h) Details of property outside Nigeria (as in (d) and (e) above)

Total value Annual income

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(i) Government securities including premium banks, savings certificates

.....

.....

.....

(j) Shares, debentures and other securities (i) in Nigeria and (ii) outside Nigeria,

(k) Gold, silver, diamond, jewelleries and other ornaments,

(l) Details of assets/property of (a) wife/wives (b) children if not public officers, liable to assets declaration

(i) Wife/wives .....

.....

.....

.....

.....

(ii) Children

.....

(m) .....

(full names)

solemnly declare that the facts given by me in this form are correct and that I conscientiously believe same to be true by virtue of the provisions of the Oaths Act.

.....  
*Signature of declarant*

Declared at.....Registry.....

This..... day of .....20.....

Before me

High Court Judge

Space for additional relevant information under paragraphs 6 (a)-(i) if necessary

*For official use*

- 1. Date of receipt of Form .....
- 2. Action taken (a) acknowledgement slip issued  
(b) filed  
(c) sent for variation

Signature .....

Name.....

*(Receiving officer)*

*Acknowledgement slip*

*(From Office of deposit)*

Receipt No. ....

Received ..... from

of .....

copies of Form CCB.I

Signature .....

Name .....

Receiving ..... officer

.....

Date .....

REGISTER OF DECLARATION OF CONFLICT OF INTEREST

(TEMPLATE)

NAME OF DEPARTMENT OR AGENCY  
.....  
.....

<b><i>Name of Officer</i></b>	<b><i>Date Conflict Recorded</i></b>	<b><i>Business Under Transaction</i></b>	<b><i>Nature of Conflict</i></b>	<b><i>Decision Made on Participation of Officer</i></b>	<b><i>Signature of Officer Making Declaration</i></b>

## SECOND SCHEDULE

### *PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT*

1. The President of the Federation.
2. The Vice-President of the Federation.
3. The President and Deputy President of the Senate, Speakers and Deputy Speakers of the House of Representatives and of the Houses of Assembly of States, and all members and staff of Legislative Houses.
4. Governors and Deputy Governors of States.
5. Chief Justice of Nigeria, Justices of the Supreme Court, President and Justices of the Court of Appeal, all other judicial officers and all staff of courts of law.
6. Attorney-General of the Federation and Attorney-General of each State.
7. Ministers of the Government of the Federation and Commissioners of the Governments of the States.
8. Chief of Defence Staff, Head of the Army, Navy, Air Force and all members of the Armed Forces of the Federation.
9. Inspector-General of Police, Deputy Inspector-General of Police and all members of the Nigeria Police Force and other Government security agencies established by law.
10. Secretary to the Government of the Federation, Head of the Civil Service, Permanent Secretaries, Directors-General and all other persons in the civil service of the Federation or of the States.
11. Ambassadors, High Commissioners and other officers of Nigerian Missions Abroad.
12. Chairman and other members and staff of the Code of Conduct Bureau and Code of Conduct Tribunal.
13. Chairmen and other members and staff of local government councils.
14. Chairmen and members of the Boards of other government bodies and staff of statutory corporations and of companies in which the Federal or any State Government has controlling interests.
15. All staff of universities, colleges and institutions owned and financed by the Federal or State Governments or local government councils.
16. Chairmen and other members and staff of permanent commissions or councils appointed on full-time basis.

## THIRD SCHEDULE

### *Code of Conduct Tribunal Rules of Procedure*

#### *Commencement and Conduct of Trial*

**1. Institution of proceedings**

The trial of offences under this Act shall commence by way of an application, supported by a summary of evidence or affidavit to the Tribunal by the prosecutor.

**2. Order on an defendant to appear**

Where, after the perusal of the application and the summary of evidence, affidavit or any further evidence in such forms as the Tribunal may consider necessary, the Tribunal is satisfied that any person appears to have committed an offence provided under this Act, it shall cause that person to be brought before the Tribunal on such date and at such time as it may direct.

**3. Commencement of trial**

(1) When the Tribunal is ready to commence the trial, the **defendant** shall be brought before it and the Tribunal shall read or cause to be read to **thedefendant** the substance of the complaint ~~against him~~ and ~~hethedefendant~~ shall be asked whether **he/she** is guilty of the offence or offences charged.

(2) If the defendant pleads guilty, the plea shall be recorded and ~~hethedefendant~~ may in the discretion of the Tribunal be convicted thereon.

**4. Plea of not guilty or no plea**

If the defendant pleads not guilty or makes no plea or refuses to plead or if the Tribunal enters a plea of not guilty on behalf of the defendant, the Tribunal shall proceed to try the case.

**5. Presentation of case for prosecution**

(1) After a plea of not guilty has been taken or no plea has been made, the prosecutor may open the case against the defendant, stating shortly by what evidence ~~hethethe~~ **prosecutor** intends to prove the guilt of the defendant.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the defendant or ~~his~~ counsel and may thereafter be re-examined by the prosecutor.

**6. Procedure after presentation of evidence by the prosecutor**

(1) After the conclusion of the presentation of evidence by the prosecutor, the Tribunal shall ask the defendant—

(a) whether ~~hethedefendant~~ wishes to give evidence on ~~his~~ own behalf; and

(b) whether ~~hethedefendant~~ intends to call any witness other than witnesses as to character.

(2) ~~If~~ Where the defendant says that **he/she** does not intend to call any witnesses other than witnesses as to character, the prosecutor may sum up ~~his~~ the case against the defendant and the Tribunal shall then call upon the defendant to enter upon the defence.

(3) Notwithstanding the provisions of paragraph (2) of this rule, the Tribunal may, if after hearing the evidence against the defendant or any of several defendant, it considers the evidence not sufficient to justify the continuation of the trial, record a

finding of not guilty in respect of such defendant without calling upon the defendant ~~him~~ or ~~defendants~~ ~~them~~ to enter upon their defence and such defendant shall thereupon be discharged and acquitted and the Tribunal shall then call upon the remaining defendant, if any, to enter upon their defence.

- (4) If the defendant or any one of several defendants ~~says that he~~ **declares the** intention to call any witness, other than a witness as to character, the Tribunal shall call ~~upon~~ the defendant to enter ~~upon his~~ **the** defence.
- (5) Notwithstanding the provisions of paragraph (4) of this rule, the Tribunal may, before calling ~~upon~~ the defendant to enter ~~upon his~~ **the** defence, call upon the prosecutor to sum up ~~his~~ **the** case against any one or more of the defendant ~~persons~~ against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such defendant or call upon any of them to enter ~~upon his or their~~ **the** defence.

**7. Defence**

When the Tribunal calls ~~upon~~ the defendant to enter ~~upon his~~ **the** defence, the defendant or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the **defendant** may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the **defendant** or his counsel may sum up his case.

**8. Right of prosecutor to reply**

- (1) ~~If~~ **Where** the **defendant** or any of the **defendants** calls any witness, other than a witness as to character, or any document, other than a document relating to character, is put in evidence for the defence, the prosecutor shall be entitled to reply.
- (2) ~~If~~ **Where** the **defendant** has called only evidence as to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the defendant.
- (3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, the prosecution may, with leave of the Tribunal, be heard in reply on a point of law or on any new matter or evidence, other than evidence as to character introduced by the defendant.

**9. Consideration of findings**

When the case for the defence and the reply of the prosecution, if any, are concluded and the Tribunal does not desire to put any further question to the defendant, the Tribunal shall retire or adjourn to consider its findings.

**10. Announcement of findings**

After the Tribunal has made its findings, the Chairman shall announce such findings and, where the defendant is found guilty, it shall impose the appropriate penalty prescribed in this Act, and issue an appropriate order accordingly.

**11. Recommendation as to mercy**

The Tribunal may, in addition to its sentence, make an appropriate recommendation as to mercy but in any such case shall give reasons for such recommendation.

**12. Notes of evidence to be taken**

- (1) ~~The Chairman or any other presiding member of the Tribunal authorised by the Chairman in that behalf shall~~ may, where there is no electronic recording

~~in every case, take notes in writing of the oral evidence, or so much thereof as he considers material, in a book or file to be kept for that purpose and such book or file shall be signed by the Chairman or the presiding member and not less than the two other members of the Tribunal including the person who took down the notes, at the conclusion of each day's proceedings.~~

- ~~(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman or presiding member shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses at such proceedings.~~

~~Provided that where the proceedings of the Tribunal may be recorded electronically, the transcripts of which shall be signed by the Chairman and members.~~

~~The Chairman or any other presiding member of the Tribunal shall, where there is no electronic recording facility take note in writing of the oral evidence or so much thereof as he considers material, in a book or file to be kept for that purpose and such book or file shall be signed by the Chairman or the presiding member and the other two members of the Tribunal at the conclusion of each day's proceedings~~

~~Provided that where the proceedings of the Tribunal are recorded electronically, the Chairman or presiding member may take notes of such material part of the oral evidence as may be necessary and the transcripts of the notes shall be signed by the Chairman or presiding member and the other two members of the Tribunal.~~

**13. Issue of summons for witness**

Where If the Tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence, the Tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the Tribunal to give evidence in respect of the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

**14. Warrant of witness after summons**

Where If the person to whom any such summons is directed does not attend before the Tribunal at the time and place mentioned therein, and upon inquiry by the Tribunal there is ~~no~~ does not appear to the Tribunal on inquiry to be any reasonable excuse for such non-attendance, then after proof to the satisfaction of the Tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoided service, the Tribunal, on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant, before the Tribunal in order to testify as aforesaid.

**15. Local inspections**

It shall be the duty of the Tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

**16. Forms**

Subject to any express provisions of these rules, the forms contained in the Annex to these Rules may, in accordance with any instructions contained in the said forms, and

with such variation as the circumstances of the particular case may require, be used in the case to which they apply, and when so used, shall be good and sufficient in law.

**17. Application of Administration of Criminal Justice Act ~~Criminal Procedure Act or Code~~**

Where these Rules contain no provision in respect of any matter relating to or connected with the trial of offences under this Act, the provisions of the Administration of Criminal Justice Act shall apply to the trial of offences generally.

**18. Interpretation**

In these Rules, “the prosecutor” means the Attorney-General of the Federation or any other person authorised by him pursuant to section 29 of this **Bill** to conduct the prosecution of an offence before the Tribunal or to assist therein.

ANNEX

Forms

Form 1

[Order II Rule (2).]

To: The Chairman,

Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**

.....  
.....  
.....

1. Pursuant to section **29** of the Code of Conduct Bureau and Tribunal **Bill**, I hereby apply to the commencement of a trial for the offence of ..... under section .....of the Act against the under mentioned persons-
  - (i) .....
  - (ii) .....
2. In support of this application I attach hereto ..... copies of the summary of evidence or affidavit for the consideration of the Tribunal.
3. If this application is granted, I shall be relying on the facts disclosed in the summary of evidence and any further evidence the Tribunal may consider necessary at the trial. I attach hereto four copies of the charge against the defendant. A list of the deponents and their addresses is also attached for the purpose of issuing summonses to them.

.....  
*Prosecutor*

FORM 2

*Summons to defendant*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

To. A.B. of .....

Complaint has been made this day by .....



for that on the..... day of.....at.....in  
the.....

aforesaid did\* .....

.....

.....

.....

You are therefore summoned to appear before the Tribunal mentioned above sitting at  
.....

.....on..... to answer the said  
complaint

Dated the.....day of.....20.....

.....

*Chairman/Presiding Member of the Tribunal*

\*State concisely the substance of the offence.

FORM 3

*Warrant for apprehension of defendant*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

Between

The Federal Republic of Nigeria

and

Defendant

To.....Police Officer, complaint has been made  
on.....of .....by.....that.....hereinafter  
called the defendant, on the

.....day.....of.....did\*

You are hereby commanded to bring the defendant before the Tribunal mentioned above  
sitting

at.....on.....to  
answer the said complaint and to be dealt with according to law.

DATED the.....day of.....20.....

.....

*Chairman/Presiding Member of the Tribunal*

\*State concisely the substance of the offence.

FORM 4

*Summons to witness*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

Between

The Federal Republic of Nigeria

and

Defendant

To (i) .....  
by (ii) .....has been charged  
(iii) .....at.....

in.....that he did  
(iv).....

and it appearing to me on the application of (iii).....  
that you are likely to give material evidence therein on behalf of the prosecutor (*or defendant*).

You are therefore summoned to appear before the Tribunal named above sitting at.....  
on the.....day of.....20..... at the hour of.....in  
the..... noon to testify what you know in such matter.

DATED the..... day  
of.....20.....

.....  
*Chairman/Presiding Member of the Tribunal*

- (i) Insert name of witness.
- (ii) Insert name of defendant.
- (iii) Insert the name of prosecutor.
- (iv) State concisely the substance of the offence

FORM 5

*Warrant for apprehension of witness in the first instance*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

To.....A.B. has  
been charged by.....for that he on the

.....day of.....at.....in the  
.....State aforesaid did\*.....  
.....

And it appearing to me by the oath  
of.....that

.....is likely to give material evidence concerning the said matter  
and that it is probable he will not attend to give evidence unless compelled to do so.

You are therefore hereby commanded to bring him before the Tribunal named above sitting at  
.....forthwith to testify to what he  
knows

DATED the..... day  
of.....20.....

.....  
*Chairman/Presiding Member of the Tribunal*

\*State concisely the substance of the offence

FORM 6

*Warrant for apprehension of witness*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

Between

The Federal Republic of Nigeria

and

Defendant

To.....Police Constable or to each and all the  
Constables

(i) .....was duly summoned to appear before the Tribunal  
named above sitting at.....on..... at the hour  
of.....in the .....noon, to testify to what he knows  
concerning a certain complaint  
against.....

And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that the summons has been duly served on him and that  
a reasonable sum has been paid or tendered to him for his costs and expenses in that  
behalf.

You are therefore commanded to bring him before the Tribunal named above sitting at  
.....forthwith to testify to  
what he knows concerning the said matter.

DATED the.....day  
of.....20.....

.....  
*Chairman/Presiding Member of the Tribunal*

(i) Insert name of witness.

FORM 7

*Warrant for commitment of witness*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

Between

The Federal Republic of Nigeria

and

Defendant

To.....and to the Superintendent of.....Prison

(i)

.....having appeared or been brought before the Tribunal named above sitting at.....on the.....day of.....20..... to testify what he knows concerning a certain matter against (ii)..... refused to take an oath (or having taken an oath) refused to answer any (or a certain) question put to him concerning the matter and did not offer any just excuse for his refusal.

You, the said Police Officer, are hereby commanded to convey the said..... safely to the prison, and deliver him to the Superintendent thereof, together with this warrant and you, the Superintendent of the said prison, to receive him into your custody and keep him for the period of..... unless, he in the meantime consents to be examined and to answer concerning the matter.

DATED the.....day  
of.....20.....

.....  
*Chairman/Presiding Member of the Tribunal*

(i) Insert name of witness.

(ii) Insert name of defendant.

FORM 8

*Commitment of reward*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

Between  
The Federal Republic of Nigeria  
and  
Defendant

To.....and Officer-in-Charge of  
.....Police Station and to  
the Superintendent of  
.....Prison

- (i) .....hereinafter called  
the defendant being brought before the Tribunal named above, sitting  
at.....  
.....charged with having
- (ii) The hearing of the case being adjourned:

You, the said Police Officer, are hereby commanded to convey the defendant to Police  
custody at.....\*to the prison, and thereto  
deliver him to the Officer-in-Charge\*/Superintendent thereof, together with this  
warrant, and you, the Officer-in-Charge\*/the Superintendent of the said prison, to  
receive him into your custody, and keep him until.....the day  
of.....20.....and on that day to convey him before the said Tribunal at the  
hour of ..... in the.....noon to  
be further dealt with according to law.

.....  
*Chairman/Presiding Member of the Tribunal*

- (i) Insert name of defendant.  
(ii) State the offence or offences.  
\*Delete whichever does not apply.

FORM 9

*Warrant of conviction*

In the Tribunal for the trial of offences under the Code of Conduct Bureau and Tribunal **Bill**.

Between  
The Federal Republic of Nigeria  
and  
Defendant

- (i) .....having appeared before the Tribunal named above  
sitting at.....is this day convicted for that  
he, on the.....day of  
.....20.....  
at.....within  
the.....did

(ii) .....  
And it is adjudged that the defendant, for his said offence, be sentenced to (iii)  
..... and the defendant shall until the conviction and/or sentence is confirmed  
or disallowed by the Court of Appeal be kept in custody at  
(iv).....

.....  
DATED ..... the.....day  
of.....20.....

.....  
*Chairman/**Presiding Member** of the Tribunal*

- (i) Insert name of defendant.
- (ii) State the offence or offences for which defendant is convicted.
- (iii) Insert the Tribunal sentence.
- (iv) Insert name of defendant.