

CODE OF CONDUCT BUREAU AND TRIBUNAL ACT

An act to provide for the establishment of the Code of Conduct Bureau and Tribunal to deal with complaints of corruption by public servants for the breaches of its provisions.

INSTRUMENT CONSTITUTING THE CODE OF CONDUCT TRIBUNAL UNDER THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT.

Whereas by section 20 of the code of Conduct Bureau and Tribunal Act, the Code of Conduct Tribunal is established for the trial of public officers guilty of contravening the provisions of the Act;

And Whereas by section 20(2) of the Act it is proved that the Tribunal shall consist of a chairman and four other members and that the Chairman shall be a person who has held or is qualified to hold office as a judge of a superior court in Nigeria and shall receive such remuneration provided by law.

PART 1

- (1) Notwithstanding the provisions of part 1 of the fifth schedule to the constitution of the Federal Republic of Nigeria, as amended, there is thereby established a bureau to be known as the Code of Conduct Bureau (hereafter in this Act referred to as "Bureau")*
- (2) The Bureau shall consist of a chairman and ten other members who shall be men of unimpeachable integrity in the Nigerian society.*
- (3) The chairman and the other members shall be appointed by the President, Commander-in-Chief of the Armed Forces.*

2. The aims and objectives of the Bureau shall be to establish and maintain a high

Standard of morality in the conduct of Government business and to ensure that the actions and behavior of public officers conform to the highest standards of public morality and accountability.

3. The functions of the Bureau shall be to-

- (a) receive assets of declarations by Public officers in accordance with the provisions of this Act;*
- (b) examine the assets declarations and ensure that they comply with the requirements of this Act and of any law for the time being in force;*
- (c) take and retain custody of such assets declarations; and*
- (d) receive complaints about non-compliance with or breach of this Act and where the Bureau considers it necessary to do so, refer such complaints to the Code of Conduct Tribunal in accordance with the*

provisions of sections 20 to 25 of this Act established by section 20 of this Act:

4. (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 as may, from time to time, be made by the President, Commander-in-Chief of the Armed Forces.

5. A public officer shall not put himself in a position where his personal interest conflicts with his duties and responsibilities.

6. Without prejudice to the generality of section 5 of this Act, a public officer shall not-

(a) 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

(b) 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.

7. Any public officer specified in the second schedule to this Act or any other persons as the Armed Forces Ruling Council, may from time to time, by other prescribe shall not maintain or operate a bank account in any country outside Nigeria.

8. A public officer shall not after his retirement from public service and while receiving pension from public funds, accept more than one remunerative position as chairman, director or employee of a company owned or controlled by any Government or public funds in addition to his pension and the emolument of such remunerative position.

9. Retired public officers who have held offices to which this section applies are prohibited from service or employment in foreign companies or foreign enterprises

10. (1) A public officer shall not ask for or accept any property or benefits of any kind for himself or any other person on account of anything done or omitted to be done by him in the discharge of his duties.

(2) For the purposes of subsection (1) of this section, the receipt by a public officer of any gifts or benefits 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 recognized by custom:

Provided that any gift or benefit to a public officer on any public or ceremonial occasion shall be treated as gifts or benefits to the appropriate institution represented by the public officer, and accordingly, the mere acceptance or receipt of any such gift shall not be treated as a contravention of this provision.

11. 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 of a Director- General or head of any public corporation, university, or other parastatal organisation shall not accept-

(a) a loan, except from government or any of its agencies or a bank, building society or other financial institution recognized 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 organisation may, subject to the rules and regulations of any such body, accept a loan from any such body.

12. No person shall offer a public officer any property, gift or benefit of any kind as an inducement or bribe for the granting of any favor or the discharge in his favor of the public officers duties.

13. 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.

14. 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 function or dignity of his office.

15. (1) Every public officer shall, within fifteen months after the coming into force of this Act or immediately after taking office and thereafter-

(a) at the end of every four years;

(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 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 Act 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.

(2) Any statement in any declaration that is found to be false by any authority or person authorized in that behalf to verify it shall be deemed to be a breach of this act.

(3) Any property or assets 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 Act shall be deemed to have been acquired in breach of this Act unless the contrary is proved.

16. Any complaint that a public officer has committed a breach of or has not complied with the provisions of this Act shall be made to the Bureau.

17. 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.

18. (1) The Armed Forces Ruling Council may by order exempt any cadre of public officers from the provisions of this Act if it appears to it that their position in the public service is below the rank which it considers appropriate for the application of those provisions

(2) The Armed Forces Ruling Council 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.

19. The chairman and other members of the Bureau shall not be liable, and shall be indemnified, in any action or litigation for any acts or omissions done or purported to be done in the course of the discharge of their duties under this Act.

FOR MORE DETAILS, SEE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT.