

NATIONAL DRUG LAW ENFORCEMENT AGENCY ACT

An act to establish the National Drug Law Enforcement Agency to enforce laws against the cultivation, processing, sale, trafficking and use of hard drugs and to empower the Agency to investigate persons suspected to have dealings in drugs and other related matters.

FUNCTIONS OF THE AGENCY

Subject to this Act and in addition to any other functions expressly conferred on it by other provisions of this Act, the Agency shall have responsibility for-

- a) The enforcement and the due administration of the provisions of this Act;*
- b) The co-ordination of all drug laws and enforcement functions conferred on any person or authority, including Ministers in the Government of the Federation, by any such laws;*
- c) Adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drug-related offences or property whose value corresponds with such proceeds;*
- d) Adoption of measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances;*
- e) Taking such measures which might require the taking of reasonable precautions to prevent these of ordinary means of transport for illicit traffic in narcotic drugs including making arrangements with transport owners;*
- f) Adoption of measures which shall include co-ordinated preventive and repressive action, introduction and maintenance of investigative and control techniques;*
- g) Adoption of measures to increase the effectiveness of eradication efforts;*
- h) The facilitation of rapid exchange of scientific and technical information and the conduct of research geared towards eradication of illicit use of narcotic drugs and psychotropic substances;*
- i) Taking measures for the early destruction and disposal of the narcotic drugs and psychotropic substances which have been seized confiscated or forfeited;*
- j) Facilitation or encouragement of the presence or availability of persons, including person in custody who consent to assist in investigations or participate in proceedings relating o narcotic drugs and psychotropic substances;*
- k) Enhancing the effectiveness of law enforcement to suppress illicit traffic in narcotic drugs and psychotropic substances;*

SPECIAL POWERS OF THE AGENCY

(1) The Agency shall have power-

- a) To cause investigations to be conducted as to whether any person has committed an offence under this Act; and*
- b) With a view to ascertaining whether any person has been involved in offences under this Act or in the proceeds of any such offences, to cause investigations to be conducted into the properties of any such person if it appears to the Agency that that person's life style and extent of the properties are not justified by his ostensible source of income.*

(2) For the purpose of inquiring into and ascertaining whether an offence under paragraph (b) of this section has been committed, the Agency may, by notice in writing, call upon any person to furnish to it within a time specified in the notice, such information, returns, accounts, books or other documents in custody of such person as the Agency may consider fit and proper within the circumstances.

(3) The Agency shall not exercise the power conferred upon it by paragraph (b) of subsection (1) of this section without first obtaining the approval of the Attorney-General of the Federation.

APPLICATION OF ACT TO CERTAIN PERSONS

The Agency may seek the authority of the President, Commander-in-Chief of the Armed Forces to conduct investigation on any person whose lifestyle appears to the Agency to be beyond his source of income and the provisions of this Act, including declaration of assets and forfeiture of assets and properties, shall apply to such person as if he were a person committing an offence under this Act.

OBSTRUCTION OF THE AGENCY OR AUTHORISED OFFICERS

Any person who-

- a) Willfully obstructs the Agency or any authorized officer of the Agency in the exercise of any of the powers conferred on the Agency by this Act; or*
- b) Fails to comply with any lawful enquiry or requirements made by any authorized officer in accordance with the provisions of this Act, Shall be guilty of an offence under this Act and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine of twenty thousand naira or to both such imprisonment and fine.*

OFFENCES RELATING TO LAUNDERING OF MONETARY INSTRUMENTS

(1) Whosoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of a specified unlawful activity-

- a) *With the intent to promote the carrying on of a specified unlawful activity; or*
 - b) *Knowing that the transaction is designed in whole or in part-*
 - i. *To conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of a specified unlawful activity; or*
 - ii. *To avoid a lawful transaction under Nigerian law shall be guilty of an offence under this Act.*
- (2) *A person guilty of an offence under subsection (1) of this section, shall be liable on*
Conviction-
- a) *In case of a financial institution or corporate body, to a fine of two million naira; or*
 - b) *In case of a director, secretary or other functionary of the financial institution or corporate body, to imprisonment for a term not exceeding twenty-five years.*
- (3) *Whoever transports or attempts to transport a monetary instrument or funds from a place in Nigeria or through a place outside Nigeria or to a place in Nigeria from or through a place outside Nigeria-*
- a) *With the intent to promote the carrying of a specified unlawful activity; or*
 - b) *Knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part-*
 - i. *To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of a specified unlawful activity; or*
 - ii. *To avoid a lawful transaction under Nigerian law, shall be guilty of an offence under this Act and liable on conviction to a fine of one million or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for a term not exceeding twenty-five years or to both such fine and imprisonment.*

OFFENCES BY BODIES CORPORATE

- 1) *Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, where practicable, shall be deemed*

- to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.*
- 2) *Where a body corporate is convicted of an offence under this Act, the Tribunal may order that the body corporate shall thereupon and without any further assurance, but for such order, be wound up and all its assets and properties forfeited to the Federal Government.*