

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL CONVICT AND CRIMINAL RECORDS REGISTRY AND FOR RELATED MATTERS, 2020.

Sponsored by Hon. Namdas Abdulrazak Sa'ad

[] Commencement

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

PART I - ESTABLISHMENT, ETC. OF THE NATIONAL CONVICT AND CRIMINAL RECORDS REGISTRY, ETC.

1 1. There is hereby established a body to be known as the National
2 Convict and Criminal Records Registry (in this Bill referred to as "The
3 Registry").

Establishment
of the Registry

4 (2) The Registry shall be a body corporate with perpetual
5 succession and a common seal and may sue and be sued in its corporate
6 name.

7 2. The objectives of the Registry shall be to -

Objectives of
the registry

8 (a) provide a central record of information of persons convicted of
9 criminal offences whether in Nigeria or in other countries;

10 (b) liaise with and demand from the various courts in Nigeria
11 vested with criminal jurisdiction, information and records of persons
12 convicted of criminal offences;

13 (c) liaise with and demand from the Prison Authorities and other
14 remand homes and centres, information and records of persons serving or
15 have served any term of imprisonment as convicts;

16 (d) liaise with and demand from Nigerian missions abroad, police
17 authorities and such other relevant institutions, information and records
18 relating to Nigerians that have been convicted of criminal offences in other

1 countries or are serving or have served any term imprisonment in such
2 countries;

3 (e) formulate, initiate and implement such policies, programmes and
4 measures that will enhance information and record-keeping or persons
5 convicted of criminal offences with a view to having and maintaining an
6 efficient and reliable data-base system of criminal records in Nigeria;

7 (f) do anything which in its opinion may advance the objects for
8 which the registry is set up.

Establishment
of the management
board

9 3.-(1) There is hereby established a board to be known as the
10 management Board for the Registry which shall, subject to this Bill, have
11 general control of the Registry.

12 (2) The Management Board shall consist of-

13 (a) Chairman, who shall be retired High Court Judge;

14 (b) one representative each of the following-

15 (i) the Federal Ministry of Justice;

16 (ii) the Federal Ministry of Interior

17 (iii) Inspector-General of Police or his nominee not below the rank of
18 a Commissioner of Police;

19 (iv) Comptroller-General of Prisons or his nominee not below the
20 rank of an Assistant Comptroller of Prison,

21 (v) Nigerian Bar Association;

22 (vi) six other members appointed from each of the six geo-political
23 zone in the country with relevant public service or professional experience; and

24 (vii) the representative of the State Security Service.

25 (3) The Chairman and other members shall be appointed by the
26 President subject to the confirmation of the National Assembly.

Tenure of office
of members

27 4.-(1) Subject to the provisions of this section, a member of the Board
28 shall hold office for four years and shall be eligible for re-appointment for
29 another four years except if appointed on zonal basis under section 3 (2) (vi) of

1 this Bill in which case the appointment shall terminate at the end of the first
2 four years.

3 (2) Notwithstanding the provisions of subsection (1) of this section,
4 the President may at any time remove a member of the Board, if the
5 President is of the opinion that it is not in the national interest or the interest
6 of the Board for member to continue in office. and shall notify the member in
7 writing to that effect.

8 (3) Any member may, in writing under his hand addressed to the
9 President at any time, resign his appointments.

10 (4) The office of a member of the Board shall become vacant if-

11 (a) the period of his appointment has expired;

12 (b) he is guilty of misconduct in his office as a member and a
13 resolution of the Board approves the termination of his membership; and

14 (c) he dies, resigns or he is removed from office.

15 5. Soon after the office of a member becomes vacant, the authority
16 by whom he was appointed shall appoint another person in his place in
17 accordance with the provisions of this Bill.

Vacancy of office
of members

18 6. Members of the Board shall be paid out of the moneys at the
19 disposal of the Board such remunerations and allowances the Board shall fix
20 subject to the approval of the Revenue Mobilization and Allocation
21 Commission.

Remuneration
and allowances
of members of
the Board

22 7. The provisions contained in the schedule to this Bill shall have
23 effect with respect to the proceedings of the Board and other matters
24 contained therein.

Procedure of the
Board

25 PART II - FUNCTIONS AND POWERS OF THE REGISTRY

26 8. The Registry shall-

27 (a) develop and evolve an efficient and reliable database of
28 criminal records and information of persons convicted of criminal offences
29 in and outside Nigeria;

Functions and
powers of the
registry

30 (b) create a central National register and documentation system

1 capable of receiving and storing information and records relating to all persons
 2 convicted in Nigeria or anywhere in the world of criminal offences and/or have
 3 served or are serving any term of imprisonment whether in or outside Nigeria;

4 (c) promote and undertake research programmes that will enhance its
 5 functions generally;

6 (d) create and maintain offices in each state of the Federation and the
 7 Federal Capital Territory of Abuja and in such other places to assist facilitate or
 8 enhance its performance of the task of ensuring that there exists an efficient,
 9 functional and reliable documentation and record keeping procedures of
 10 criminal records and information in the country;

11 (e) liaise and collaborate with all relevant institutions (f) acquire and
 12 hold movable and immovable properties;

13 (g) charge and receive fees and other payments for services rendered
 14 to the public;

15 (h) receive or accept gifts from governments and other bodies
 16 whether in cash or kind that may enable it to efficiently and effectively
 17 discharge its functions in the National interest; and

18 (i) do or cause to be done anything which in its opinion may advance
 19 the objects for which the Registry was set up.

Power to co-opt
 members

20 9.-(1) The Board may, from time to time, co-opt any person or persons
 21 not exceeding two in number, to assist the Registry to carry out the objects for
 22 which it was set up under this Bill.

23 (2) Any person co-opted under subsection (1) of this section, may take
 24 part in the deliberation of the Board but shall not be deemed a member for the
 25 purpose of voting at a meeting or forming a quorum.

Appointment,
 etc. of the
 Registrar

26 10.-(1) There shall be a Registrar who shall be appointed by the
 27 President on the recommendation of the Minister.

28 (2) The Registrar shall be a retired Police/Military Officer and not
 29 below the rank of Commissioner/Colonel and judicial officer of the rank of
 30 High Court Judge.

1 (3) The Board shall not exercise any disciplinary control over the
2 Registrar without the approval of the Minister.

3 (4) Subject to the provisions of this Bill and the control of the
4 Board over matters affecting the finance of the Registry, the Registrar shall
5 be the Chief Executive of the Registry and shall be charged with the general
6 responsibility for the day to day running and the management of the affairs
7 of the Registry and in particular shall-

8 (a) be charged with the execution of the policies and decisions of
9 the Board;

10 (b) keeping proper records of proceedings of the Board; and

11 (c) the direction and control of all other employees.

12 (5) The Registrar shall hold office-

13 (a) For a term of 5 years and no more; and

14 (b) On such terms and conditions as to emoluments and otherwise
15 as may be specified in his letter of appointment.

16 (6) Without prejudice to the provisions of subsection (1) of this
17 section, the Board may appoint persons as employees of the Registry either
18 by way of transfer or secondment from any of the public service of the States
19 or of the public service of the Federation, may also appoint qualified persons
20 as employees of the Registry from the public.

21 (7) Service in the Registry shall be approved service for the
22 purposes of the Pensions Reform Act and the employees of the Registry
23 shall be entitled to pensions, gratuities and other retirement benefit as
24 prescribed in the Act.

25 11.-(1) The Registry shall establish and maintain a fund from
26 which shall be defrayed all expenditure incurred by the Registry.

Fund for the
registry

27 (2) There shall be paid and credited to the fund in pursuance of
28 section (1) of this section-

29 (a) all moneys as may be granted to the Registry by the Federal
30 Government;

1 (b) all monies accruing to the Registry by any means including grants-
2 in-aid, endowments and donations; and

3 (c) all charges, dues, fees or amounts collected and received by the
4 Registry.

5 (3) All sums of money received by the Registry as accruing to it, shall
6 be paid into the Central Bank of Nigeria for the credit of the Registry.

Accounts and
audit

7 12.-(1) The Registry shall keep proper accounts and shall cause to be
8 prepared in each year:

9 (a) a statement showing the income and expenditure of the Registry
10 for the immediately preceding year; and

11 (b) a statement of the assets and liabilities of the Registry as at the last
12 day of the immediately preceding year.

13 (2) The Registry shall cause every statement prepared under this
14 section to be audited within six months after the end of the year to which
15 statement relates by auditors appointed from the list and in accordance with the
16 guidelines supplied by the Auditor-General of the Federation.

Annual estimates

17 13. The Board shall cause to be prepared not later than 1st September
18 in each year, an estimate of the expenditure necessary to carry out the
19 programme approved by the Board for the next succeeding year and shall not
20 later than 31st October in each year submit to the President an estimate of
21 expenditure and that of its income during the next succeeding year.

Annual report

22 14. The Registry shall prepare and submit to the President once every
23 year a report on the activities of the Registry during the immediately preceding
24 year and shall include in the report a copy of the audited accounts of the
25 Registry for that year and of the auditor's report thereon.

Power of the
registry to issue
clearances
certificates, etc.

26 15.-(1) The Registry shall upon an application made to it by any
27 person, issue or cause to be issued a clearance certificate stating among other
28 things, that the applicant is not a convict and is not serving nor has served any
29 term of imprisonment nor been indicted for a criminal offence for which he was
30 found guilty and convicted either in Nigeria or in any other country.

1 (2) Any application made pursuant to the provision of subsection
2 (1) of this section, shall as far as practicable, be accorded expeditious
3 consideration and shall be within a period not exceeding fourteen working
4 days.

5 (3) Notwithstanding anything to the contrary in any other Law and
6 subject to the provisions of this Bill, every person seeking election into any
7 public office in Nigeria or seeking employment in the public service of the
8 Federation or of any state, shall apply for a clearance certificate pursuant to
9 the provisions of subsection (1) of this section.

10 (4) Non-compliance with the provisions of subsection (3) of this
11 section shall invalidate the election or employment of any person affected
12 by the provisions of this Bill.

13 (5) It shall be lawful for the Registry to impose and collect fees and
14 other charges for services rendered in accordance with the provisions of this
15 Bill and in accordance with the regulations made by the Board prescribing
16 such fees and charges.

17 (6) Any regulations made under subsection (5) of this section shall
18 be published in the Federal Gazette.

19 16. In this Bill, unless the context otherwise requires-

Interpretation

20 "Board" means the management Board of the National Convict and
21 Criminal Records Registry established under section 3 (1) of this Bill;

22 "Registry" means the National Convict and Criminal Records Registry
23 established under section 1 (1) of this Bill;

24 "Chairman" means the Chairman of the Management Board;

25 "Member" means a member of the Management Board and includes the
26 chairman;

27 "Registrar" means the Registrar of the Registry appointed under section 9 (1)
28 of this Bill.

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

30 "Minister" means the Minister charged with the responsibility for matters

1 relating to the Federal Ministry of Interior;
2 "Power" includes duties and functions.

Citation

3 17. This Bill may be cited as the National Convict and Criminal
4 Records (Registry) Bill, 2020.

5 Schedule

6 Section 3 (3)

7 1. Subject to this Bill and section 27 of the interpretation Act, the
8 Board may make standing orders regulating the proceedings of the Board and
9 any committee thereof. (Cap. 123).

10 2. Every meeting of the Board shall be presided over by the Chairman
11 and if the Chairman is unable to attend a particular meeting, the members
12 present at the meeting shall elect one of their number to preside at the meeting.

13 3. The quorum at a meeting of the Board shall consist of the chairman
14 (or in an appropriate case, the person presiding at the meeting pursuant to
15 paragraph 2 of this Schedule) and six other members.

16 4. The Board may, on any special occasion, co-opt any person to be a
17 member for as many meetings as may be necessary, and that person while so
18 co-opted shall have all the rights and privileges of a member, except that he
19 shall not be entitled to vote or count towards a quorum.

20 Committees

21 5.-(1) Subject to its standing orders, the Board may appoint such
22 number of standing and ad hoc committees as it thinks fit to consider and report
23 on any matter with which the Registry is concerned.

24 (2) every committee appointed under the provisions of subparagraph
25 (1) of this paragraph shall be presided over by a member of the Board and shall
26 be made up of such number of persons, not necessarily members of the Board,
27 as the Board may determine in each case,

28 6. The decision of a committee shall be of no effect until it is
29 confirmed by the Board.

30 7. The fixing of the seal of the Registry shall be authenticated by the

1 signature of the Chairman and of the Registrar of the Registry or such other
2 member authorized generally or specifically by the Board to act for that
3 purpose.

4 8. A contract or an instrument which, if made by a person not
5 being a body corporate, would not be required to be under seal, may be made
6 or executed on behalf of the Registry by the Registrar or by any other person
7 authorized generally or specifically by the Board to act for that purpose.

8 9. A document purporting to be a contract, an instrument or other
9 document signed or sealed on behalf of the Registry shall be received in
10 evidence and, unless the contrary is proved, be presumed without further
11 proof, to have been so signed or sealed.

12 10. The validity of a proceeding of the Board or of a committee
13 thereof shall not be adversely affected-

14 (a) by a vacancy in the membership of the Board;

15 (b) by a defect in the appointment of a member of the Board or
16 committee; or

17 (c) by reason that a person not entitled to do so took part in the
18 proceeding.

19 11. A member of the Board or committee who has a personal
20 interest in a contract or an arrangement entered into or proposed to be
21 considered by the Board or committee shall forthwith disclose his interest to
22 the Board or committee and shall not vote on any question relating to the
23 contract or arrangement.

EXPLANATORY NOTE

This Bill seeks to establish a National Convict and Criminal Records (Registry) Act to provide for the establishment of a National registry with regard to the collation and storage of criminal information and records for the country.

