

AN ACT TO PROHIBIT AND PRESCRIBE PUNISHMENT FOR CORRUPT PRACTICES AND OTHER RELATED OFFENCES AND TO ESTABLISH ANTI-CORRUPTION COMMISSION

18th May 2003

ENACTED by the NATIONAL ASSEMBLY of the Federal Republic of Nigeria

1. This Act may be cited as Corrupt Practices and Other Related Offences Act, 2003
2. In this Act,

"Agent" - means any person employed by or acting for another and includes an officer of a public body or an officer serving in or under any public body, or a corporate body or any political party or institution, a trustee, an administrator or executor of the estate of a deceased person, a sub-contractor, any person employed by or acting for such trustee, administrator, executor, or sub-contractor;

"Associate", in relation to a person includes any person who is an employee, agent, nominee or representative, trustee, firm or incorporated company known to act subject to the directives or influence of such person;

"Bank"- means a bank, a finance company, a Commercial Bank, a merchant bank, or a discount house, licensed under the Banks and other Financial Institutions Decree,. or any other financial institution established or licensed under any other written law;

"Banker's book" includes ledgers, day books, cash books, account books and all other books and documents or electronic devices used in the ordinary course of business of a bank;

"Business" means any activity carried on for the purpose of gain or profit and includes all property derived from or used in or for the purpose of carrying on such activity, and all the rights and liabilities arising from such activity;

"Chairman" means the Chairman of the Commission appointed under section 3 (3) of this Act;

"Commission" means the Anti-Corruption Commission established under section 3 of this Act;

"Constitution" means Constitution of the Federal Republic of Nigeria 1999;

"Corporate body" means any legal entity artificial or otherwise recognised by the Companies and Allied Matters Act or created under the authority of any law in Nigeria;

"Corruption" includes bribery, fraud and other related offences;

"Dealing" includes-

- (a) any purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts, or extension of credit;
- (b) any agency or grant of power of attorney; and
- (c) any act which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole of or in part any property being conferred on any person;

"False pretence" means any representation made by words, writing, or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be or does not believe to be true;

"Financial Institution" means any body or institution which carries on any banking business or financial transactions whether lawfully or unlawfully as defined in the Banks and other Financial Institutions Act;

"Gratification" means:

- (a) money, donation, gift, loan, fee, reward, valuable security, property or interest in property being property of any description whether movable or immovable, or any other similar advantage, given or promised to any person with intent to influence such a person in the performance or non performance of his duties;
- (b) any office, dignity, employment, contract of empowerment or services and any agreement to give employment or render services in any capacity;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;
- (e) any forbearance to demand any money or money's worth or valuable thing;
- (f) any other service or favour of any description, such as protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not, already instituted, and including the exercise or the forbearance from the exercise of any rights or any official power or duty; and
- (g) any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the proceeding paragraphs (a) to (f);

"Judge of Superior Court of Record" means a Judge holding any of the offices defined by section 6(5) of the Constitution;

"Local Government" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

"Member" means any member of the Commission appointed in accordance with section 3 of this Act;

"Money Instrument" includes coin or currency of Nigeria or of any other country, travelers' Cheque, personal cheque, bank cheque, money order, investment security or negotiable instrument in bearer form or otherwise in such form that title hereto passes upon delivery or upon delivery and endorsement;

"Misappropriation" means the unauthorized, improper, or unlawful use of funds or other property for purposes other than that for which intended and it also includes misapplication of funds or property and it does not matter whether or not the person misappropriating derives any personal benefit therefrom;

"An official" means any director, functionary, officer, agent, servant, privy or employee serving in any capacity whatsoever in the public service or other public body, or in any private organisation, corporate body, political party, institution or other employment whether under a contract of services or contract for services or otherwise, and whether in an executive capacity or not;

"Person" includes a natural person, a juristic person or any body of persons corporate or incorporate;

"Political Party" means - any body of persons or association as stated under the provisions of the Constitution

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

"Principal" includes any employer, any beneficiary under a trust, any trust estate, any person beneficially interested in the estate of a deceased person, the estate of a deceased person, and, in the case of any person serving in or under a public body, [the public body];

"Property" means real or personal property of every description, including money, whether situated in Nigeria or elsewhere, whether tangible or intangible, and includes an interest in any such real or personal Property;

"Public Officer" means a person employed or engaged in any capacity in the public service of the Federation, State or Local Government, public corporations or private company wholly or jointly floated by any government or its agency including the subsidiary of any such company whether located within or outside Nigeria and includes Judicial officers serving in Magistrate or Customary courts or Tribunals;

"Purchaser in good faith for valuable consideration" means any transferee, assignee, chargee, mortgagee, pledgee, holder of a lien, or lessee, of any property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by him for adequate consideration in money or money's worth, without notice that the property was obtained in consequence of the commission of any offence under this Act;

"Relation" includes father, mother, child, brother, sister, uncle aunt and cousins where applicable and their spouses.

Establishment of Commission, Appointments and Powers

3. (1) There is established a body to be known as the Anti-Corruption Commission (hereinafter in this Act referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Commission shall consist of a chairman and twelve (12) other members, two of whom shall come from each of the six geo-political zones-
- (4) The Chairman shall be a serving judge of the court of appeal
- (5) Remuneration for members of the Commission shall be determined by the National Revenue Mobilisation, Allocation and Fiscal Commission.
- (6) The Chairman and members of the Commission who shall be persons of proven integrity shall be appointed by the Chief Justice of Nigeria upon the advice of the National Judicial Council, subject to the confirmation by the Senate .
- (7) In making the appointment in subsection (6), the Chief Justice of shall ensure that the following categories are represented in the appointment-
 - (a) a retired police officer not below the rank of Commissioner of Police
 - (b) a legal practitioner with at least 10 years post call experience ;
 - (c) a retired judge of a superior court of record;
 - (d) a retired public servant not below the rank of a director;
 - (e) a woman;
 - (f) a youth not being less than 21 years or more than 30 years of age at of his or her appointment; and
 - (g) a chartered accountant.
- (8) The Chairman and members of the Commission 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.
- (9) The Chairman shall be eligible to the same terms and conditions of service as are applicable to a serving Justice of the Court of Appeal.
- (10) The Chairman shall hold office for five (5) years only.
- (11) The Members shall hold office for a period of four (4) years and may be reappointed for another four (4) years but shall not be eligible for reappointment

thereafter.

- (12) Notwithstanding the provisions of sections 3 (10) and (11) of this Act, the Chairman and any member of the Commission may at any time be removed office by the Chief Justice of Nigeria upon the advise of the National Judicial subject to approval of the Senate.
- (13) The Chairman or any member of the Commission may resign his appointment by notice in writing under his hand addressed to the Chief Justice of Nigeria and the Chairman or that member shall on the date of the receipt of the notice of resignation by the Chief Justice of Nigeria cease to be a member of the Commission.
- (4) The Members of the Commission shall hold office on such terms and conditions as may be specified in their instruments of appointment and in the exercise of their functions, they shall not be subject to any other authority except as provided by this Act.
- (15) Every member of the Commission shall, before assuming the duties of his office, subscribe to the oath prescribed in the Constitution of the Federal Republic of Nigeria 1999 for public officers.
- 4.-(1) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff and for this purpose shall prescribe its own rules and regulations.
- (2) The Commission shall have power to appoint, designate and deploy such number and category of staff and officers which, in the opinion of the Commission, shall be required to assist it in the discharge of all or any of its functions and shall have powers to pay persons so employed such remuneration (including allowances) as is in accordance with section 3 (14) of this Act.
- (3) The tenure of office and conditions of service of the staff of the Commission shall, subject to the provisions of this Act, be determined by the Commission.
- (4) There shall be appointed such number of Commissioners, Deputy Commissioners, Assistant commissioners, Superintendents, Assistant Superintendents, Senior Investigators and Investigators of the Commission as may be necessary for the purpose of carrying into effect the provisions of this Act.
5. Service in the Commission shall be approved service for the purposes of the Pensions Act.
6. There shall be a Secretary to the Commission appointed by a 2/3 majority of the members present and voting who, shall be responsible for keeping the records of the Commission and the general administration and control of the staff of the Commission
7. Every officer of the Commission, when discharging the duties of his office, shall, on demand, declare his office and produce to the person against whom he is acting or from whom he seeks any information, evidence of his identity issued by the Commission.
8. The Chairman and any five (5) members of the Commission representing at least four (4) geo-political zones shall constitute a quorum.

9. -(1) Subject to the provisions of this Act, an officer of the Commission when investigating any matter which constitutes an offence under this Act, shall

have all the powers and immunities of a police officer under the Police Act and any other laws conferring power on the Police, or empowering and protecting law enforcement agents.

(2) If, in the course of any investigations in respect of the Commission of an offence under this Act by any person, there is disclosed an offence under any other written law, not being an offence under this Act, irrespective of whether the offence was committed by the same person or any other person, the officer of the Commission responsible for the investigation or proceedings, as the case may be, shall notify the Director of Public Prosecutions or any other officer charged with responsibility for the prosecution of criminal cases, who may issue such direction as shall meet the justice of the case.

10. The Commission shall

(a) where reasonable grounds exist for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offence and, in appropriate cases, make its recommendation for prosecution or otherwise to the office of the Attorney-General of the Federation or of the State.

(b) examine the practices, systems and procedures of public bodies and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of them;

(c) instruct, advise and assist any officer, agency or parastatals on ways by which fraud or corruption may be eliminated or minimised by such officer, agency or parastatal;

(d) advise heads of public bodies of any changes in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the Commission thinks fit to reduce the likelihood or incidence of bribery, corruption, and related offences;

(e) educate the public on and against bribery, corruption and related offences; and

(f) enlist and foster public support in combating corruption.

11 (1) The Chairman may issue administrative orders to be called "Standing Orders", which shall conform with the provisions of the general control, training, duties and responsibilities of officers of the Commission, and for such other matters as may be necessary or expedient for the good administration of the Commission and to ensure the efficient and effective functioning of the Commission.

(2) The Commission may establish one or more branch offices in each State of the Federation and the Federal Capital Territory, Abuja to carry out its functions under this Act.

- (3) There may be in each State of the Federation and the Federal Capital Territory, Abuja, a Resident Anti-Corruption Commissioner .
12. (1) Any person who corruptly –
- (a) asks for, receives or obtains any property or benefit of any kind for himself or for any other person; or
 - (b) agree or attempts to receive or obtain any property or benefit of any kind for himself or for any other person, on account of-
 - (i) anything already done or omitted to be done, or for any favour or disfavour already shown to any person by himself in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, or corporate body or other organisation or institution in which he is serving as an official; or
 - (ii) anything to be afterwards done or omitted to be done or favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of an offence of Official corruption and is liable to imprisonment for seven (7) years.
- (2) If in any proceedings for an offence under this section it is proved that any property or benefit of any kind, or any promise thereof, was received by a public officer, or by some other person at the instance of a public officer from a person-
- (a) holding or seeking to obtain a contract, license, permit, employment or anything whatsoever from a Government department, public body or other organisation or institution in which that public officer is serving as such;
 - (b) concerned, or likely to be concerned, in any proceeding or business transacted, pending or likely to be transacted before or by that public officer or a government department, public body or other organisation or institution in which that public officer is serving as such; and
 - (c) acting on behalf of or related to such a person; the property, benefit or promise shall, unless the contrary is proved, be presumed to have been received corruptly on account of such a past or future act, omission, favour or disfavour as is mentioned in subsection (1)(a) or (b).

13.-(1) Any person who corruptly

- (a) gives, confers or procures any property or benefit of any kind to, on or for of a public officer or to, on or for any other person, or
 - (b) promises or offers to give, confers, procure or attempt to procure any property or benefit of any kind to, on or for a public officer or any other person, on account of any such act, omission, favour or disfavour to be done or shown by the public officer,
- is guilty of an offence of official corruption and on conviction be liable to imprisonment for seven (7) years.

- (2) If in any proceedings for an offence under this section, it is proved that any property or benefit of any kind, or any promise thereof, was given to a public officer or some other person at the instance of a public officer, by a person
- (a) holding or seeking to obtain a contract, licence, permit, employment from a government department, public body or other organisation or institution in which that public officer is serving as such or
 - (b) concerned or likely to be concerned in any proceeding or business transaction, pending or likely to be transacted before or by that public officer or a government department, public body or other organisation or institution in which that public officer is serving as such ; or
 - (c) acting on behalf of or relative to such a person, the property, benefit or promise shall, unless the contrary is proved, be deemed to have been given corruptly on account of such a past or future act, omission, favour or disfavour as is mentioned in section 13(1) and (2).

14 Any person who—

- (a) asks for, receives or obtains any property or benefit of any kind for himself or for any other person; or agrees or attempts to receive or obtain any property or benefit of any kind for himself or for any other person, on account of—
 - (i) anything already done or omitted to be done, or for any favour or disfavour already shown to any person by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, public body or other organisation or institution in which the public officer is serving as such or
 - (ii) anything to be afterwards done or omitted to be done or favour or disfavour to be afterwards shown to any person, by a public officer in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of an offence of Official corruption and is liable to imprisonment for seven (7) years.

15. Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty (20) persons, a private interest in any contract, agreement or investment emanating from or connected with the department or office in which he is employed or which is made on account of the public service, is guilty of an offence, and on conviction be liable to imprisonment for seven (7) years.

16. Any person who receives anything which has been obtained by means of act constituting a felony or misdemeanour, or by means of any act done at a place outside Nigeria, which if it had been done in Nigeria would have constituted a felony or misdemeanour and which is an offence under the laws in force in the place where it was done, knowing the same to have been so obtained, is guilty of a felony.

17. If the offence by means of which the thing was obtained is a felony, the offender on conviction be liable to imprisonment for three (3) years, except the things so obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender on conviction be liable to imprisonment for seven (7) years.

- 18.** Any person who, with intent to defraud or conceal a crime or frustrate the Commission in its investigation of any suspected crime of corruption under this Act or under any other law:
- (a) destroys, alters, mutilates, or falsifies, any book, documents, valuable security, account, computer system, diskette, computer printout or other electronic device which belongs to or is in the possession of his employer, or has been received by him on account of his employment, or any entry in any such book, document, accounts or electronic device, or is privy to any such act; or
 - (b) makes, or is privy to making any false entry in any such book, document, account or electronic record; or
 - (c) omits, or is privy to omitting, any materials particular from any such book, document, account or electronic record; is guilty of a felony, and on conviction be liable to seven (7) years imprisonment.
- 19.** Any person who, being an officer charged with the receipt, custody, use or management of any part of the public revenue or property, knowingly furnishes any false statement or return in respect of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of an offence, and on conviction be liable to seven (7) years imprisonment.
- 20.** (1) Any person who corruptly –
- (a) accepts, obtains or agrees to accept or obtain or attempts to obtain from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing, forbearing to do, or for having done, or forborne to do, any act or thing; or
 - (b) gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done, or forborne to do, any act or thing in relation to his principal's affairs or business; or
 - (c) knowingly gives to any agent, or being an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested and which contains any statement which is false or erroneous or defective in any material particular, and which, to his knowledge, is intended to mislead his principal or any other person, is guilty of an offence and on conviction be liable to five (5) years imprisonment or a fine of not less than N200,000.00.
- (2) For the purposes of this section, the expression "consideration" includes valuable consideration of any kind; the expression "agent" includes any person employed by or acting for another; and the expression "principal" includes an employer.
- 21.** Any person who offers to any public officer, or being a public officer solicits, counsels or accepts any gratification as an inducement or a reward for-

- (a) voting or abstaining from voting at any meeting of the public body in favour or against any measure, resolution or question submitted to the public body;
- (b) performing or abstaining from performing or aiding in procuring, expediting, delaying, hindering or preventing the performance of any official act;
- (c) aiding in procuring or preventing the passing of any vote or the granting of any contract, award, recognition or advantage in favour of any person; or
- (d) showing or forbearing to show any favour or disfavour in his capacity as such officer,

shall, notwithstanding that the officer did not have the power, right or opportunity so to do, or that the inducement or reward was not in relation to the affairs of the public body, be guilty of an offence and on conviction be liable to five (5) years imprisonment with hard labour.

22. Any public officer who uses his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of the public officer or any other public officer is guilty of an offence and on conviction be liable to imprisonment for five (5) years without option of fine.

23. Without prejudice to any sentence of imprisonment imposed under this Act, a Public Officer or other person found guilty of soliciting, offering or receiving gratification shall forfeit the gratification and pay a fine of not less than five times the sum or value of the gratification which is the subject -matter of the offence where such gratification is capable of being valued or is of a pecuniary nature, or ten thousand Naira, whichever is the higher.

24. (1) Any person who, without lawful authority or reasonable excuse, offers any advantage to any other person as an inducement to or reward for or otherwise on account of that other person's refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, is guilty of an offence.

(2) Any person, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, is guilty of an offence.

(3) Any person guilty of an offence under this section on conviction of the indictment be liable to a fine of the current price of the property and imprisonment for three (3) years.

25. (1) Any person who, without lawful authority or reasonable excuse, offers an advantage to a public servant as an inducement to or reward for or otherwise on account of such public servant's giving assistance or using influence in, or having given assistance or used influence in -

(a) the promotion, execution, or procuring of-

(i) any contract with a public body for the performance of any work, the providing of any service, the doing of anything or the supplying of any article, material or substance; or

- (ii) any sub-contract to perform any work, provide any article, materials or substance required to be performed, provided, done or supplied under any contract with a public body; or
 - (b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or sub-contract as aforesaid, is guilty of an offence.
 - (2) Any public servant who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his giving assistance or using influence in, or having given assistance or used influence in-
 - (a) the promotion, execution or procuring, or
 - (b) the payment of the price, consideration, or
 - (c) other moneys stipulated or otherwise provided for in, any contract, or sub-contract as is referred to in sub-section (1) is guilty of an offence.
 - (3) Any public officer who in the course of his official duties, inflates the price of any goods or service above the prevailing market price or professional standards is guilty of an offence under this Act and liable on conviction to imprisonment for a term of seven (7) years and a fine of one million naira.
 - (4) Any person or public officer who commits under sub-section (1) and (2) of this section on conviction be liable to a term of imprisonment for seven (7) years and a fine of one million naira.
- 26.** (1) Any Public officer to whom any gratification is given, promised, or offered, in contravention of any provision of this Act shall report such gift, promise or offer together with the name, if known, of the person who gave, promised or offered such gratification to him to the nearest officer of the Commission or Police Officer.
- (2) Any person from whom any gratification has been solicited or obtained, or from whom an attempt has been made to obtain such gratification, in contravention of any provision of this Act, shall, at the earliest opportunity thereafter, report such soliciting or obtaining, or attempt to obtain the gratification together with the name, if known, or a true and full description of the person who solicited, or obtained, or attempted to obtain the gratification from him, to the nearest officer or officer of the Commission or a Police Officer.
- (3) Any person who fails, without reasonable excuse, to comply with subsections (1) and (2) is guilty of an offence and on conviction be liable to a fine not exceeding one hundred thousand naira or to imprisonment for a term not exceeding two years or to both fine and imprisonment.
- 27.** Any person who, whether within or outside Nigeria, whether directly or indirectly, whether on behalf of himself or on behalf of any other person, enters into, or causes to be entered into, any dealing in relation to any property, or otherwise uses or causes to be used, or holds, receives, or conceals any property or any part thereof which was the

subject-matter of an offence under sections 14, 15, 16 17, 18, 19, 20, 21, 22, 23 and 24 is guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five (5) years.

28. (1) Any person who makes or causes any other person to make to an officer of the Commission or to any other Public Officer, in the course of the exercise by such Public Officer of the duties of his office, any statement which to the knowledge of the person making the statement, or causing the statement to be made-

(a) is false, or intended to mislead or is untrue in any material particular; or

(b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law to receive, or require to be made such other statement notwithstanding that the person making the statement is not under any legal or other obligation to tell the truth, is guilty of an offence and on conviction be liable to imprisonment for a term not exceeding seven (7) years

29. (1) Any person who-

(a) attempts to commit any offence under this Act;

(b) does any act preparatory to or in furtherance of the commission of any offence under this Act; or

(c) abets or is engaged in a criminal conspiracy to commit any offence under this Act;

(d) commits any offence under this Act;

is guilty of an offence and on conviction, be liable to the punishment provided for such offences.

30. Prosecution for an offence under this Act shall be initiated in the name of Attorney-General of the Federation or of a State as the case may be, and where such offence is provided for under any other Act prohibiting bribery, corruption, fraud or any other related offences, the procedure and penalty under such Act shall be adopted.

31.- (I) Every report relating to the commission of an offence under this Act may be made orally or in writing to an officer of the Commission, and if made orally shall be reduced into writing and read over to the person making the report; and every such report, shall be signed or thumb-printed by the person making it and where the person making the report is an illiterate, the officer obtaining the report shall endorse that fact on the report together with a statement to the effect that it was read over and interpreted to the maker.

(2) Every report, whether in writing or reduced into writing, shall be entered in a book kept at the office of the Commission and there shall be appended to such entry the date and hour at which such report was made.

(3) Any document certified by any officer of the Commission under subsection (2) in respect of a report under subsection (1), shall be admissible as evidence of the contents of the

original and of the time, place and manner in which the report was recorded.

32. An officer of the Commission investigating an offence under this Act may comply with the provisions of the Police Act, and or any other Act regulating the obtaining of statements, investigating and evidence.

33. Subject to the provisions of sections 34 to 38 of this Act, the Commission may issue a summons directed to a person complained against or any other person to attend before the Commission for the purpose of being examined in relation to the complaint or in relation to any other matter which may aid or facilitate the investigation of the complaint and a Summons so issued shall state the substance of the complaint, the time and place at which the inquiry is to be held, the substance of the complaint and a copy of the complaint thereof shall be handed over to the person against whom the complaint is directed.

34. Every summons issued by the Commission under this Act shall be in duplicate and signed by the Chairman or such other officer as the Chairman may authorise to issue summons.

35. Every summons under this Act shall be served by an officer of the Commission in the manner prescribed in the Sheriffs and Civil process Act and any other laws relating to the service of process and the person, effecting the service shall have and exercise all the powers conferred by the law and any other law relating to the service of process.

36. Where the person summoned by the Commission is in the service of Government, the Commission may deliver the summons in duplicate to the Head of the department in which such person is employed for the purpose of its being served on that person and such officer shall thereupon cause the summons to be served on that person.

37. Where a summons has been served upon to whom it is addressed or is delivered to any other person, the person to whom it is addressed or delivered as the case may be, shall sign a receipt therefore on the duplicate; and where service is not effected by handing the summons to an individual but by some other method approved by this Act, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.

38. A person required to sign a receipt on the back of the duplicate summons to the effect that he has received the summons who refuses to do so may be arrested by the person serving the summons and is guilty of an offence and upon conviction be liable to one month imprisonment or five thousand naira option of fine.

39. (1) Every offence under this Act shall be bailable offence for the purpose of the Criminal Procedure Act, Criminal Code Act, Criminal Procedure Code or Penal Code Act.

(2) Every person arrested under subsection (1) may be released from custody on his executing a bond. with sureties, as an officer of the Commission may require.

(3) Any person who has been released from custody under subsection (2) may be re-arrested without warrant by any officer of the Commission--

(a) if such officer has reasonable grounds for believing that any condition on or subject to which such person was released or otherwise admitted to bail has been broken or is likely to break any condition on or subject to which such

person was released and that the surety wishes to be relieved of his obligation as surety.

(b) on being notified in writing by the surety or sureties of such person that such person has broken or is likely to break any condition on or subject to which such person was released and that the surety wishes to be relieved of his obligation as surety.

(4) Any person arrested under subsection (3) who is not released on bail shall, without unreasonable delay, and in any case within twenty-four hours (excluding the time for any necessary journey) be produced before the Court and if it appears to the Court that any condition on or subject to which such person was released or otherwise admitted to bail has been or is likely to be broken, the court may -

(a) remand such person in custody; or

(b) admit such person to bail on the same conditions or on such other conditions as it thinks fit.

(5) Where a person who is arrested for an offence under this Act is serving a sentence of imprisonment or is in detention under any law relating to preventive detention, or is otherwise in lawful custody, he shall, Upon an order in writing by an officer of the Commission be produced before such officer or before any other officer of the Commission for the Purpose of