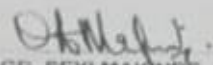


Assented to by me this 10th day of December 2019


ENGR. SEYI MAKINDE
His Excellency, The Executive Governor



OYO STATE OF NIGERIA

No.16

A LAW TO ESTABLISH THE OYO STATE ANTI-CORRUPTION AGENCY AND FOR OTHER MATTERS CONNECTED THEREWITH

Date of commencement.

Enactment. **ENACTED** by the House of Assembly of Oyo State of Nigeria as follows:

Short title. 1. This Law is cited as the Oyo State Anti-Corruption Agency Law, 2019.

Interpretation. 2. In this Law-
"Agency" means Oyo State Anti-Corruption Agency established under section 3 of this Law;

"Agent" means any person elected or employed by or acting for another and includes officer of a public body or an officer serving in or under any public body or a corporate body or institution;

"Attorney-General" means Attorney-General for the State;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999 (as amended);

"Coordinator" means Coordinator in any of the branch offices of the Agency;

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

"Court" includes High Court and Magistrate Court;

"Chairman" means the Chairman of the Agency;

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

"Functions" include powers and duties;

"Governor" means the Governor of the State;

"Government" means the Government of the State;

"Gratification" includes-

- (a) money, fees, donation, reward, valuable security, property or interest in property being property of any description whether movable or immovable or any advantage given or promise to any person in the performance of his duties;
- (b) any office, dignity, employment, contract of employment 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 liabilities, 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 right 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);

"House of Assembly" means Oyo State House of Assembly;

"Local Government" includes Local Council Development Area;

"Member" includes the Chairman;

"Person" means a natural person or juristic personality or anybody of persons corporate or un-incorporated;

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

"Public Officer" means a person elected, appointed, employed or engaged in any capacity in the public or civil service of the State or Local Government and includes Officers serving in the Judiciary;

"Executive Secretary" means Administrative Head and Accounting Officer of the Agency;

"Security Report" means a preliminary investigation into the character and general behavior of a person appointed in the Agency;

"Staff" means management and includes Supporting staff of the Agency either employed by the Agency or deployed from the pool

of Civil or Public Service in the State;

"State" means Oyo State of Nigeria;

"Superior Officer" means an officer not below the rank of Deputy Director in the Agency.

Establishment
of the Oyo State
Anti-corruption
Agency.

3. (1) There is hereby established the Oyo State Anti-Corruption Agency (referred to in this Law as the "**Agency**").
- (2) The Agency shall be a body corporate with perpetual succession and a common seal, with power to sue and be sued in its corporate name and shall also have power to hold, acquire and dispose of property movable or immovable.

Composition of
the Agency.

4. (1) For the proper coordination of the activities of the Agency, the Governor shall appoint the following persons as members of the Agency, upon the confirmation of the House of Assembly –
 - (a) a Chairman who shall be a retired civil or public servant of proven integrity;
 - (b) a representative of the Nigeria Police Force not below the rank of Chief Superintendent of Police;
 - (c) a representative of the Department of State Security Service (DSSS);
 - (d) a female;
 - (e) a Chartered Accountant;
 - (f) the Executive Secretary of the Agency; and
 - (g) a representative of the Office of Auditor-General for State;
- (2) The House shall obtain Security Report on members from the Department of State Security Service before confirmation.
- (3) Members of the Agency shall be made to declare their Assets and Liabilities before being sworn in in accordance with the provisions of the Constitution.

Tenure of
office.

- 5 The Chairman and members of the Agency shall hold office for a single term of 5 years.

- Removal of Members. 6(1) The Chairman or any member of the Agency appointed under this Law may at any time be removed from office by the Governor acting upon a resolution supported by two-third majority of the members of the House of Assembly praying that he be removed from office for inability to discharge effectively the functions of his office on the grounds of infirmity of mind or body, misconduct or if the Governor is satisfied that it is not in the interest of the Agency or the interest of the public or for any other reason.
- Vacancy in the Agency. (2) A member of the Agency may resign his membership by notice in writing addressed to the Governor and that member shall on the date of the receipt of the notice by the Governor cease to be a member;
- (3) Where a vacancy occurs in the membership of the Agency, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.
- Remuneration. 7. There shall be paid to the Chairman and all other members of the Agency such remuneration, whether by way of salary or allowances, as the Governor may determine.
- Independence of the Agency. 8. In exercising its powers under this Law, the Agency shall not be subjected to the direction and control of any authority, except as provided for by this Law.
- Powers of the Agency. 9. (1) The Agency shall have power to investigate either on its own initiative or following complaints lodged before it by any other person, any administrative action taken by -
- (a) any Ministry or Department or Agency of the State Government, or Local Government or such other Government Parastatals; or
 - (b) any statutory corporation or public institution set up by the Government, any company incorporated under or pursuant to the Companies and Allied Matters Act owned by

the Government; or

(c) any officer or servant of any of the aforementioned bodies.

(2) For the purpose of this Law, the Agency–

(a) may determine the manner by which complaints are to be lodged; and

(b) shall have access to all information necessary for the efficient performance of its duties under this Law and for this purpose, may visit and inspect any premises belonging to any person or body mentioned under this Law.

(3) The Agency shall ensure that administrative action by any person mentioned under this Law shall not result in any act of injustice against any indigene of the State or any other person resident in the State and for that purpose, it shall investigate with special care any administrative act, which is or appears to be –

(a) contrary to any law or regulation; or

(b) mistaken in law or arbitration in the ascertainment of fact; or

(c) unreasonable, unfair, oppressive or inconsistent with the general institution of administrative organs; or

(d) improper in motivation or based on irrelevant consideration; or

(e) unclear or inadequately explained; or

(f) otherwise, objectionable.

(4) The Agency shall be competent to investigate administrative procedure in any court of law in the State.

(5) The members and the staff of the Agency shall

subscribe to the oath of secrecy and oath of Allegiance and maintain secrecy in respect of matters before them by reason of source or contact, however a member may, in any report made by him, disclose such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusion and recommendations.

(6) It shall be the duty of any person required by the Agency to furnish information to comply with such requirement not later than 7 days from receipt thereof.

Executive
Secretary
of the Agency.

10. (1) There shall be an Executive Secretary of the Agency appointed by the Governor from the pool of the State Counsel not below the rank of Deputy Director in line with Civil Service regulations.

(2) The Executive Secretary shall be the administrative head and Accounting Officer of the Agency.

(3) The Executive Secretary who must be a person of proven integrity shall conduct the correspondence and keep the records thereof and perform such other duties as the Agency may from time to time direct or which are assigned to him under the provisions of this Law.

Meeting and
Quorum.

11 (1) The Chairman shall preside at all meetings in which he is present and in his absence members present shall elect one of them to be a chairman of the meeting.

(2) The Agency shall -

- (a) meet at least once in every two months; and
- (b) call emergency meetings at such other time as required by circumstances.

(3) The quorum for every meeting of the Agency shall be 5 members of the Agency.

Casting vote. 12. In the event of a stalemate on any vote relating to any matter, the Chairman of the meeting shall have a casting vote.

Committees and branch offices. 13(1) The Agency may appoint one or more committees, either standing or ad-hoc, to carry out on its behalf such functions as the Agency may determine.

(2) The Agency may establish one or more branch offices in each geo-political zone of the State to carry out its functions under this Law

(3) The Agency may appoint Coordinators to head branch offices.

Standing orders. 14 Subject to the provision of this Law, the Agency may make standing order to regulate its proceedings or its committees.

Functions of the Agency. 15(1) Subject to the provisions of the Constitution and any other law for the time being in force, the Agency shall have power to -

- (a) receive and investigate any allegation of corrupt practices against any person and refer the matter to the Attorney General of the State for necessary action;
- (b) investigate and refer to the Attorney General any allegation of improper or non-performance of any Government Contract for necessary action;
- (c) determine the manner by which complaints are to be lodged;
- (d) issue invitation in the manner provided under this Law;
- (e) make general policies for the appointments, promotions, and discipline of its staff;
- (f) make rules for the general administration of the Agency;

- (g) organize educational and sensitization programmes;
 - (h) establish offices in each geopolitical zone of the State to be headed by coordinators deployed to such geopolitical zone under the supervision of the Chairman of the Agency;
 - (i) appoint such additional staff as the Agency may determine from time to time for the discharge of its functions;
 - (j) monitor and initiate investigation into all cases of alleged corrupt practices in the State;
 - (k) enter upon any land or premises in the performance of its duties under this Law;
 - (l) partner with Federal Anti-Corruption Agencies such as (EFCC) Economic and financial Crimes Commission and (ICPC) Independent Corrupt Practices Commission in tracking corruption cases in the State and training of Agency's staff on Anti-Corruption related matters;
 - (m) collaborate and synergize with Law Enforcement Agencies within the State to question, investigate or interrogate any person whose conduct or affairs are under investigation or who is likely to impede or interfere with conduct of the Agency's functions under this Law; and
 - (n) do all such other things as are necessary or expedient for the performance of its functions under this Law;
- (2) The Agency after investigation shall give appropriate order, remedy or redress to the victims or refer the matter to the Attorney- General of the State as the case maybe.
- (3). The Agency after the completion of investigation on a complaint shall recommend any appropriate remedy to any authority or office.

Limitations on the functions of the Agency. 16(1) The Agency shall not investigate any matter –
(a) which is pending before the House of Assembly; or
(b) which is pending before any Court of law; or
(c) relating to anything done or purported to be done in respect of any member of the Armed Forces of Nigeria or the Nigeria Police, except where the case involves members of these Forces and a private citizen or any organization.
(2) In any case where an officer of the Agency decides not to investigate a complaint, he shall state his reasons in writing.

Appointment of Staff of the Agency. 17. (1) The Agency shall have power to appoint, dismiss and exercise disciplinary control over its staff and for this purpose shall prescribe its own rules.
(2) The Agency shall have power to appoint, designate and deploy such number and category of staff and officers which in the opinion of the Agency, shall be required to assist it in the discharge of all or any of its functions and shall have power to pay persons so employed such remuneration as the Government may determine.
(3) Service in the Agency shall be approved service for the purpose of this Law, and accordingly the staff of the Agency shall in respect of their service in the Agency be entitled to pensions, gratuities and other retirement benefits, as are enjoyed by persons holding equivalent grades, in the Civil Service of the State.
(4) Notwithstanding the provisions of subsection (3) of this section, nothing in this Law shall prevent the appointment of a person to any office on terms which preclude the grant of pension or gratuity in respect of that office.

Recommendation 18. (1) The Agency may recommend to the appropriate person or

after investigation.

relevant administrative agency after due investigation of any complaint, the following steps -

- (a) that a further consideration of the matter be made; or
- (b) that a modification or cancellation of the offending administrative or other act be affected; or
- (c) that an alteration of a regulation or rule be affected; or
- (d) that full reasons behind a particular administrative or other act be given.

(2) Where appropriate, the Agency may refer cases where it feels that existing laws or administrative regulations or procedure are inadequate to the House of Assembly or the Governor or to any other appropriate person or body.

(3) In every case where the Agency discovers, that a crime may have been committed by any person, it shall refer the matter to the Attorney General for necessary action.

(4) In every case where the Agency is of the opinion that the conduct of any person is such that disciplinary action against him be taken, it shall make a report in that regard to the appropriate authority which shall take such further action as may be necessary in the circumstances

Funds. 19.
of the
Agency.

(1) The funds of the Agency shall come from such sums as may be allocated to it by the Government on Appropriation by the House of Assembly.

(2) There shall be paid and credited to the funds of the Agency pursuant to subsection (1) of this section all other sums accruing to the Agency by way of donation, testamentary dispositions, endowments and contributions from philanthropists and other organizations.

(3) The Agency may accept donation of land, money or other property on such terms and conditions as may be specified by the person or organization making the donation: **Provided** that such donation may not be in contrast to the functions of the Agency.

Application
of the funds.

20. The Agency may from time to time apply its funds -
- (a) to defray administrative expenses, for reimbursement of officers of the Agency or any committee set up or consultants appointed by the Agency and such expenses may be authorized or approved by the Chairman in accordance with the rate approved in that regard by the Governor;
 - (b) for payment of salaries, fees or other remuneration or allowances to the officers of the Agency;
 - (c) for the maintenance of any property acquired or vested in the Agency; and
 - (d) for matters connected with or incidental to all or any of its functions under this Law.

Departments of 21
the Agency.

- (1) There is created in the Agency the following Departments which shall be headed by Directors -
- (a) Department of operations with the following units;
 - (i) Local Government Affairs Unit;
 - (ii) Contract Matters Unit;
 - (iii) Public Procurement Unit;
 - (iv) Ministries, Department and Agencies Unit; and
 - (v) Enforcement Unit;
 - (b) Department of Legal Services;
 - (c) Department of Finance and Appropriation;
 - (d) Department of Administration; and

(e) Department of ICT (Information Communication and Technology).

(2) Subject to the provisions of this Law, the Agency may establish other departments and make such standing orders to regulate the proceedings of such departments.

Offence
of obtaining
Property.

22. (1) Any person who asks for, receives or obtains any property or benefit of any kind for himself or for any other person on account of -

(a) anything already done or omitted to be done, or for any favour or disfavor already shown 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 organization in which he is serving as an official; or

(b) anything to be afterwards done or omitted to be done or favour or disfavor 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 shall be liable on conviction to imprisonment for 3 years.

(2) Where in any proceedings of 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 persons 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, organization or institution; or

(b) concerned or likely to be concerned in any proceedings or business transacted pending or likely to be transacted before or by

that public officer or a Government department, public body or other organization or institution in which that public officer is serving; or

(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, benefit or detriment.

Offence
of procuring
property.

23. (1) Any person who-

(a) gives, confers or procures any property or benefit of any kind to or for a public officer or to or for any other person;

or

(b) promises to offer or offers, confers, procures, or attempts to procure any property or benefit of any kind, to a public officer or for any other person, on account of any such act, omission, benefit or detriment to be done or shown to the Public officer;

is guilty of an offence of official corruption and shall on conviction be sentenced to imprisonment for 2 years and shall forfeit to the Government any such benefit, money or property upon conviction.

(2) Where in any proceedings for an offence under this section it is proved that any property or benefit or any promise thereof was given to a public officer or some other persons at the instance of a public officer by a person-

(a) holding or seeking to obtain a contract, license, permit, employment or anything whatsoever from a Government department,

public body or other organization or institution in which that public officer is serving; or

(b) concerned or is likely to be concerned in any proceeding or business transacted, pending or likely to be transacted before or by that public officer of a Government department, public body or other organization or institution in which that public body or officer is serving; or

(c) acting on behalf of himself or a 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 past or future act or omission, benefit or detriment as is mentioned in subsection (1) of this section.

Obstruction of investigation. 24. Any person who obstructs the Agency in its investigation on any allegation of corruption under this Law is guilty of an offence and shall be liable on conviction to imprisonment for a term not less than 2 years.

Offence of mismanagement of Government revenue. 25. Any person who being an officer charged with the receipt, custody, use or management of any part of the State or Local Government's revenue or property, knowingly uses any part of the revenue or uses or mismanages or furnishes any false statement or return in respect of any money received by him or entrusted to his care, or any balance of money in his possession or under his control, is guilty of an offence and shall be liable on conviction to imprisonment for a term not less than 2 years.

Offence of inducement 26. (1) Any person who -
(a) accepts, obtains or agrees to accept, or obtains or attempts

of public
officer.

to obtain from any person for himself or for any other Person, any gift or consideration as an inducement or reward for doing or 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 shall be liable on conviction imprisonment for a term of 1 year.

(2) For the purpose of this section, the expression **Consideration'** includes valuable consideration of any kind and the expression **'Principal'** includes an employer.

Bribery for
giving assistance
in regard to contract.

27. Any person who offers an advantage to a public officer as an inducement to or reward for or otherwise on account of such public officers giving assistance or using influence in or having given assistance or used influence in the promotion, execution or procurement of-

(a) any contract with public body for the performance of

any work, the provision of any service, the doing of anything, the supplying of any article, material, substance or, any subcontract work, provide any article, material or substance required to be performed, 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 subcontract, shall be guilty of an offence and liable on conviction to imprisonment for a term of 1 year and a refund of the current price of the property or a fine of not less than N100,000.00.

Prosecution
for an offence.

28. Prosecution for an offence under this Law shall be initiated by the Attorney General of the State or any person or authority to whom he shall delegate his power.

Jurisdiction.

29. (1) The High Court and Magistrate Court shall have Jurisdiction over offences under this Law.

(2) Notwithstanding any jurisdictional limitations on the powers of a Magistrate Court in relation to the imposition of terms of imprisonment or fine, a Magistrate court before which the offences created in this Law are tried, shall have the powers to impose penalties prescribed for the offences created under this Law.

Power to
examine persons.

30. (1) An officer of the Agency investigating an offence under this Law may -

(a) request any person to attend before him for the purpose of being examined in relation to, any matter, which in his opinion would assist in the investigation of the offence; or

(b) request any person to produce before him any book, document or certified copy thereof or any other article which, in his opinion, would assist in the investigation of the offence; or

(c) by written notice request any person to furnish a statement in writing made on oath or affirmation setting out there in all such information required under the notice being information which, in such officer's opinion would be of assistance in the investigation of the offence.

(2) A person who has been invited shall-

(a) attend in person to be examined in accordance with the terms of the order and shall continue to attend as may be directed until the examination is completed; and

(b) during such examination disclose all information within his knowledge as required under the notice.

(3) A person to whom a written notice has been given shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge or which is available to him.

(4) An officer of the Agency examining a person under this Law shall record in writing any statement made by the person and the statement so recorded shall be read over to the maker in the language understood by the person, who on being satisfied that it is a true record of his statement shall sign same before a superior officer of the Agency, and where such person refuses to sign the record, the officer shall endorse thereon under his hand the fact of such refusal and the reasons therefor if any, stated by the person who is examined, and any person who shall write for a person who

is an illiterate shall also write on such document his own name and address as the writer of the document.

(5) Any person being examined by an officer of the Agency over any allegation of any offence created by this Law may write in and under his hand the substance of the allegation over which he is being examined.

(6) Subject to the rules of evidence, the record of an examination or a written statement made pursuant to the provisions of this Law or any book, document or article produced or otherwise made in the course of an examination shall be tendered in evidence in any proceedings in the Court for an offence under this Law.

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|---|-----|--|
| Invitation
to persons. | 31 | Subject to the provisions of this Law, the Agency may issue an invitation directed to a person complained against or any other person to attend, before the Agency for the purpose of being examined in relation to the direction, or in relation to any other matter which may aid or facilitate the investigation of the allegation, and invitation so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held. |
| Forms and
Service of invitation
and other document. | 32 | Every invitation issued by the Agency under this Law shall be the service of invitation in duplicate and signed by Chairman or such officer as the Chairman may authorize. |
| Procedure for
service of
the invitation. | 33. | Every invitation under this Law shall be served by an officer of the Agency in the manner prescribed in the Sheriff and Civil Process Law, and any other law relating to service of process and the person effecting the service shall have and exercise all the powers conferred by that law and any other law relating to the service of process. |
| Substituted Service. | 34. | Where the person invited by the Agency is in the service of |

Government, the Agency may deliver the invitation in duplicate to the Head of Department in which such a person is employed for the purpose of its being served on that person and such officer shall thereupon cause the invitation to be served on that person.

Acknowledgement 35
of Service.

Where an invitation has been served upon a person 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 on the duplicate and where service is not effected by handing the invitation to an individual but by some other method approved by this Law, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.

Failure to appear36.
before the Agency.

Where the Agency is satisfied that an invitation directed to a person complained against or any person has been served, and that person does not appear at the time and place appointed in the invitation, the Agency shall have power to ask the police or other law enforcement agents to arrest and detain any such person, and such person arrested shall be brought to the Agency or before a court of Law as the case may be, within 24 hours, for the purpose of obtaining a court order directing the person to comply with the invitation.

Forcible entry into
office.

37. (1) Where it appears to the Agency upon information and after such inquiry as it shall think necessary, that there is reasonable cause to suspect that in any place there is evidence of any offence, the Agency may direct its officer to make a report of such place to the police for their prompt action.

(2) No person shall be searched or examined under any of the provisions of this Law except by a person who is of the same gender as the person to be searched.

Seizure of 38
moveable
and immovable
properties.

(1) Where in the course of an investigation into an offence under this Law, any officer of the Agency on reasonable grounds suspects that any moveable or immovable property is the subject matter of an offence or of evidence relating to the offence, he shall report the matter to the police who shall then seize such property and deposit it at the office of the Agency.

(2) A list of all movable or immovable properties seized pursuant to subsection (1) of this section and of the place in which they are respectively found shall be made by the officer effecting the seizure and signed by him at the point of seizure.

(3) A copy of the list referred to in subsection (2) of this section shall be served on the owner of such property either present or absent at the point of seizure or on the person from whom the property was seized within 7 days.

Custody of 39 (1)
seized properties.

(1) Where any movable property is seized under this Law, the seizure shall be effected by removing the movable property from the custody or control of the person from whom it is seized and placing it under the custody of such person or authority and at such place as the officer making the seizure may determine.

(2) Where it is not practicable or it is otherwise not desirable to effect removal of any property under subsection (1) of this section, the officer referred to in that subsection may leave it at the premises in which it is seized under the custody of such person as he may detail for the purpose.

(3) Notwithstanding subsection (1) of this section, when any movable

property has been seized under this Law, an officer who effected the seizure may in his discretion –

(a) temporarily return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as he may be entitled thereto subject to such terms and conditions, as may be sufficient security being furnished to ensure that the movable property shall be surrendered on demand being made by the officer, who authorized the release or any other officer of the Agency and that such terms and conditions, if any shall be complied with; or

(b) return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized or to such a person as may be entitled thereto, with liberty for the person to whom the movable property is so returned, to dispose of the property, such return being subject to security being furnished in an amount not less than an amount which represents the present market value of such property on the date on which it is returned.

(4) Where any person to whom movable property is temporarily returned under subsection (3) of this section, fails to surrender such property on demand or to comply with any term or condition imposed under that subsection-

(a) the security furnished in respect of such property shall be forfeited; and

(b) that person shall be guilty of an offence and be liable on conviction to a fine of not less than two times the amount of the security furnished by him, and to imprisonment for a term of not less than 1 year.

- (5) Where any movable property seized is liable to decay or deteriorate or is perishable or is that which cannot be maintained without difficulty, or which is not practicable to be maintained and which cannot be dealt with under subsection (3)(a) of this section, the Agency through its officer may sell or cause such property to be sold through Public Auction in accordance with Auctioneers Law at the prevailing market value and shall hold the proceeds of the sale after deducting therefrom the cost and expenses of the maintenance and of the sale of the property to abide by the result of any proceeding under this Law.
- (6) In line with provision of subsection (5), the officer shall obtain Court Order in respect of property to be sold.

Legal obligation to give information. 40. Subject to such limitation as is provided under this Law, every person required by an officer of the Agency to give information on any subject which is the duty of such an officer to inquire into and which is in that person's statutory power to give, shall be legally bound to give such information, failing which he shall be guilty of an offence and be liable on conviction to imprisonment for 1 month or a fine of N50,000.00.

Obstruction of inspection and Police search. 41. Any person who -
 (a) refuses an officer access to any premises, or fails to submit to a search by a person authorized by the Agency; or
 (b) assaults or obstructs any officer or any person authorized by the Agency in the execution of his duty under this Law; or
 (c) fails to produce to or conceals from an officer, any book, document, article or material in relation to which such officer has reasonable grounds for suspecting or believing that an offence

under this Law or any other law prohibiting corruption has been or is being committed or which is liable under this Law; or

(d) rescues or endeavours to rescue or causes to be rescued any person who has been duly arrested or anything which has been duly seized; or destroys anything to prevent the seizure thereof or the securing of the thing;

shall be guilty of an offence and liable on conviction to imprisonment for 6 months or to a fine of N50,000.00 or both.

Bail and 42. (1) For the purpose of obtaining bail for any offence created
the application of the by this Law, provisions of the Administration of Criminal Justice
Administration of Law shall apply.
Criminal justice law.

(2) Every person arrested under any of the provisions of this Law may be released from custody on his executing a bond with sureties, as is required by the Administration of Criminal Justice Law.

(3) Any person who has been released from custody may be re-arrested without warrant as follows-

(a) if such an officer has reasonable grounds for believing that any conditions on or subject to which such a person was released or otherwise admitted to bail has been violated; or

(b) on being notified in writing by the sureties of such a person that such a person has broken or is likely to break any conditions on or subject to which a person was released, and that the sureties wish to be relieved of their obligation as sureties.

Persons to 43. (1) Without prejudice to the provisions of section 42 of this Law,
be taken to any person arrested under this Law who is not released on
court within bail shall, without unreasonable delay, within 24 hours

24 hours.

(excluding the time for any necessary journey) be produced before a court and where it appears to the Court that any condition on or subject to which such a person was released or otherwise admitted to bail has been or is likely to be broken, the Court may-

(a) keep such a person in custody; or

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

(2) Where a person who is arrested for an offence under this Law is serving a sentence or imprisonment or is in detention under any Law relating to preventive detention or is otherwise in lawful custody, he shall, upon an order of the Court, be produced to an officer of the Agency for the purpose of investigation and for such purpose he may be kept in lawful custody for a period not exceeding 48 hours.

(3) A person who is detained in lawful custody under subsection (2) of this section or under any other provision of this Law or any other law for the time being in force may at any time be made available to an officer of the Agency for the purpose of investigation, or may be taken to any other place for the purpose of searching the place or seizure of any property or identifying any person or for any other purpose related to the investigation.

Right to remain
silent.

44. Where any person is arrested or is informed that he may be prosecuted for an offence under this Law, he shall be served with notice in writing, in the following manner -

"You are hereby arrested on the allegations concerning
..... and you have the right to remain silent,

or contact your Counsel but whatever you say or write may be used in a court of law against you".

Admissibility of translation of Documents.

45. Where any document is to be used in a proceeding against any person for an offence under this Law is in a language other than English language, a translation of such document into English language shall be admissible where the translation is accompanied by a certificate of the person who translated the document setting out that is a true and faithful translation and the translation has been done by such person at the instance of the Chairman or an officer of the Agency.

Offence disclosed during the investigation of Another offence.

46. Where in the cause of an investigation or proceedings in Court in respect of an offence under this Law, there is disclosed an offence under any written law being an offence whether the offence is committed by the same person or any other person, the officer of the Agency responsible for such investigation or proceeding shall notify the Attorney General of the State.

Confidentiality.

47.(1) Where any complaint made by any officer of the Agency states that the complaint is made in consequence of information received by the officer making the complaint, the information referred to in the complaint and the identity of the person from whom information is received shall be confidential, and everything contained in such information, identity of the person who gave the information and all other circumstances relating to the information, including the place where it was given, shall not be disclosed or be ordered or required to be disclosed in public but only to the trial judge and the defence Counsel in attendance in any civil, criminal or

other proceedings in any Court.

(2) Where any book, paper or document, visual or sound recording or other matter or material which is given in evidence or liable to inspection in any civil or criminal proceedings before any Court or other authority as are referred to in subsection (1) of this section, contains an entry or other matters in which any person who gave the information is named or described or shown or which might lead to his discovery, the Court before which the proceedings are held shall cause all such parts thereof or passages therein to be concealed from view or to be obliterated or otherwise removed so far as is necessary to protect such a person from discovery.

(3) Any person who gives the information referred to in subsection (1) of this section knowing the information to be false shall be guilty of an offence and be liable on conviction to imprisonment for a term of not less than 6 months or a fine of not less than N100,000.00, **except that** subsection (1) and (2) of this section shall not apply to any investigation or prosecution for any offence arising from any breach of the provisions of this section.

Immunity of the 48
officers of the Agency.

No legal proceeding, civil or criminal shall be instituted against any officer of the Agency or any other person assisting such officer for any act, which is done or omitted to be done in good faith by such an officer or other person pursuant to the provisions of this Law.

Right of appeal.

49. A person convicted for an offence under this Law, or any other law prohibiting bribery or corruption, shall have and exercise any or all such rights of appeal as conferred by the Constitution in any case within 90 days.

Auditing of
Account of the
Agency.

50. (1) The Annual Account of the Agency shall be audited by private firm of auditors.

(2) The Auditor-General for the State shall nominate three private Audit firms out of which the Agency shall choose one to audit its account.

(3) The Audit firm shall submit its report to the Auditor-General for the State for its recommendation and the Auditor-General shall submit Audited report of the Account of the Agency to the House of Assembly.

Submission of Progress Report
to the Governor
and House of
Assembly.

51 (1) The Agency shall submit a progress report of its activities to the office of the Governor and to the House of Assembly respectively.

(2) The report referred to in subsection (1) of this section shall be submitted on yearly basis, not later than 30 days after the end of the year.

Power to
make regulations.

52. The Chairman may make regulations, rules, guidelines or directives for the purpose of giving effect to the provisions of this Law.

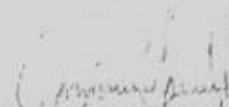
Power to
make regulations.

52. The Chairman may make regulations, rules, guidelines or directives for the purpose of giving effect to the provisions of this Law.

This printed impression has been carefully compared with the Law which has been passed by the Oyo State House of Assembly and found by me to be a true and correct printed copy of the Law.



Ms. Foluke Felicia Oyediran
Clerk of the State
House of Assembly



Rt. Hon. Ogundoyin Adebo Edward
Speaker of the State
House of Assembly