

MEMORANDUM OF THE NIGERIAN LAW SCHOOL ON THE BILL FOR AN ACT TO AMEND THE INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES ACT, 2003 ACT, CAP. 31 LAWS OF THE FEDERATION OF NIGERIA, 2004

**SUBMITTED TO THE COMMITTEE ON ANTI-CORRUPTION,
HOUSE OF REPRESENTATIVES,
ABUJA**

November 16, 2017

COMMENTS ON THE BILL

1. Reference to the Independent Corrupt Practices Act, 2003 in the long title to the Bill: Courts have held that the ICPC Act 2003 is null and void. The effect is that the 2000 Act is still the operative law.¹

The long title should therefore capture the Independent Corrupt Practices Act, No. 5, 2000.

2. The criminal jurisdiction of the Federal High Court and the National Industrial Court are contained in section 251(3) of the 1999 Constitution (as amended) which prescribes the criminal jurisdiction of the Federal High Court, and section 254C (5) of the 1999 Constitution (as amended by the CFRN (Third Alteration) Act, 2010.

The Committee may wish to make Clause 4 of the Bill subject to the above-cited provisions of the Constitution.

3. Clauses 2 and 3: The power of court to order compensation and restitution is contained in sections 319 and 321 of the Administration of Criminal Justice Act 2015. However, expenses incurred in investigation and prosecution is a matter that a court may determine in its final judgment.

In conclusion, the Nigerian Law School supports the proposed amendments in the context of observations contained in this

¹ See *Auwalu v. FRN & Anor* (2016) LPELR-41171 (CA); *Oke v. FRN* (2016) LPELR-41362 (CA); *Nwaiwoala v. FRN* (2015) LPELR-24392 (CA) *Auba Bitrus Bakkat No. 2 v. FRN* (2014) ICPCLR 455 at 472

memorandum. The devolution of jurisdiction over corruption case : as envisaged by the proposed amendment of section 41 of the ICPC Act 2000 is a welcome development.

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