

DEFECTS IN EXTANT NIGERIAN CRIMINAL JUSTICE ADMINISTRATION

REGARDING ECONOMIC CRIMES AND SUGGESTED REFORMS

BY

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1.Comply with the NALT referencing style
2.Improve the reference
3.The comparative section should be more elaborate
4.Increase the paper to between 20-25 pages

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Abstract

The Nigeria's criminal justice system relating to economic crimes suffers structural, doctrinal and procedural defects. These defects are what this paper is set to evaluate. The paper starts with the conceptual clarifications of economic crimes and the scope of the criminal justice administration, followed immediately by a detailed critique of Nigeria's institutions, laws, and practices related to economic crimes. Nigeria's legal framework especially the Economic and Financial Crimes Commission Act, 2004, and the Independent Corrupt Practices and Other Related Offences Act, 2000, provide broad powers to investigate and punish fraud, corruption, money laundering, and other financial offenses. However, in practice, enforcement is affected by extreme political interference, underfunding, agency overlap, selective prosecutions, judicial corruption, trial delays, and constitutional immunities. The high-profile prosecutions resulting in few convictions and the convicted offenders mostly getting little prison time. Contrarily, however, the United Kingdom and Canada engage more consistent legislative regimes and specialised agencies, such as the United Kingdom's Serious Fraud Office and the Royal Canadian Mobile Police Financial Crimes Units with clearer accountability. The comparative section addresses how the United Kingdom's updated Economic Crime Plans and Canada's recent beneficial-ownership registry law strengthen enforcement. In conclusion, an encompassing set of reforms, such as legislative amendments, institutional change and procedural adjustments, are proposed. These necessary measures are targeted at closing loopholes, improving coordination, and restoring public confidence in Nigeria's fight against economic crimes.

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Keywords: Criminal Justice; Crimes; Economic and Financial Crimes; Corruption; Prosecution; Offenders.

1.0 Introduction

Economic crimes are, broadly and largely, understood as non-violent offences for financial gains, such as fraud, bribery, embezzlement, money laundering, and cybercrime and they constitute serious challenges to governance and development. In Nigeria, entrenched corruption and weak rule of law have rendered financial crime a peculiarly grave problem. High-value looting of public funds, illicit enrichment of officials, and sophisticated fraud syndicates, drain

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resources and erode trust.¹ It is noteworthy that the Nigerian Criminal Justice System (NCJS)² is made up of some notable authorities and bodies and they are charged with the duty of discharging NCJS's responsibilities. Ordinarily, these institutions³ should cooperate to investigate, prosecute, and adjudicate economic offences, efficiently and impartially.⁴ Regardless, the Nigerian system is 'riddled with potholes and intermittent roadblocks', especially, for complex financial cases.

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This paper is set to carry out a structural, procedural, and doctrinal survey of the weaknesses in Nigeria's criminal justice administration, in relation to economic crimes. The paper, consequently, begins by clarifying key concepts, critically examining Nigeria's legal framework and institutional capacity, highlighting issues, such as political interference, overlapping mandates, court delays, and statutory immunities that impede enforcement. It follows with a comparative section which explains the broader anti-corruption structures of the United Kingdom (UK) and Canada. The compared structures adopt comprehensive statutes and specialised bodies to battle financial crimes. Drawing strength from the recent legal authorities and practice, the paper finds lessons from the compared jurisdictions. In conclusion, the paper offers reform recommendations, including legislative, to wit; amending the constitution and the economic crimes statutes; ensuring independent appointments of the heads of the respective economic crimes bodies and the establishment of specialised courts; and procedural transparency and training for the judicial officers which reforms are targeted at strengthening Nigeria's capacity to tackle economic crimes, effectively.

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2.0 Conceptual Clarifications

The concept of economic crimes lacks a single universal definition. Be that as it may, it can be described as 'activities involving money, finance or assets, the purpose of which is to unlawfully obtain a profit or advantage for the perpetrator or cause loss to others'.⁶ In Nigeria, economic crimes span both the public sector corruption⁷ and private sector fraud.⁸ Most of these offences, within the Nigerian context, are codified in the country's statutes.⁹

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¹ Amnesty International, 'Nigeria: Criminal Justice System Utterly Failing Nigerian People; Majority of Inmates Not Convicted of Any Crime' (AI Index AFR 44/001/2008, 21 February 2008) <https://www.voanews.com> accessed 21 May 2025.

² NCJS comprises the police, prosecutorial agencies (especially the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC)), and the courts.

³ That is, the Economic and Financial Crimes Commission (EFCC); Independent Corrupt Practices Commission (ICPC); and the Courts.

⁴ Ayodeji GI Ilori and SI Odukoya, 'Perception of Judicial Corruption: Assessing Its Implications for Democratic Consolidation and Sustainable Development in Nigeria' (2014) 16(2) Journal of Sustainable Development in Africa 67-80.

⁵ Amnesty International, 'Nigeria: Criminal Justice System Utterly Failing Nigerian People; Majority of Inmates Not Convicted of Any Crime' *ibid* (n 1).

⁶ UK Government, 'Economic Crime and Corporate Transparency Act: Economic Crime in the UK' (UK Government Policy Paper, 1 March, 2024) <https://www.gov.uk/government/publications/economic-crime-and-corporate-transparency-act-2023-factsheets/economic-crime-and-corporate-transparency-act-economic-crime-in-the-uk> accessed 21 May, 2025.

⁷ Public sector corruption consists, among others, of bribery, embezzlement, procurement fraud and abuse of office.

⁸ Private sector fraud consists, among others, of bank fraud, cybercrime, money laundering, advance-fee scams, illegal oil bunkering, tax evasion, terrorism financing, insider dealing and market abuse.

⁹ For instance, the Economic and Financial Crimes Commission (Establishment) Act, 2004, authorises the Economic and Financial Crimes Commission to 'investigate, prosecute and prevent' offences, such as money laundering, fraud

Criminal justice administration connotes the network of agencies and processes associated with handling and managing crime, especially, for this context, economic crimes; its investigation,¹⁰ prosecution,¹¹ courts,¹² and the correctional centres.¹³

It is important to mention that an effectual criminal justice system is deserving of unambiguous legal powers, adequate resources, freedom from undue influence, inter-agency coordination, crystal-clear procedures, as well as judicial integrity. All through, this paper will differentiate between issues of content of laws and legal principles and how the system works in reality. Thus, the defects will consist of problems in legislation and legal doctrine, such as vague offence definitions and constitutional immunities and systemic and procedural flaws. For instance, lack of funding, corruption, inefficiency, *et cetera*, which, as a whole, compromise Nigeria's response to economic crimes.

3.0 Defects in Nigeria's Criminal Justice System

3.1 Overlapping Institutions and Mandate Confusion

In Nigeria's fight against economic crimes, the country has created several anti-corruption agencies and statutes, over the years. Before the Economic and Financial Crimes Commission (EFCC)¹⁴ and the Independent Corrupt Practices Commission (ICPC)¹⁵ were established, the Criminal Code,¹⁶ the Penal Code,¹⁷ and institutions such as the Police,¹⁸ the Code of Conduct Bureau and Tribunal,¹⁹ all dealt with aspects of corruption.²⁰

Presently, the EFCC²¹ and ICPC²² are the prime bodies for the investigation and prosecution of economic and financial crimes in Nigeria. However, this multiplicity of agencies has created confusion and clash. It has been observed that investigators and prosecutors, rarely, work

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and corruption while the Independent Corrupt Practices and Other Related Offences Act, 2000, in the same vein, focuses on bribery, embezzlement, and related offences. Other relevant economic crimes laws in Nigeria include the Money Laundering (Prevention and Prohibition) Act 2022, the Nigerian Criminal Code, the Nigerian Penal Code and the Cybercrimes (Prohibition and Prevention, etc) Act, 2015.

¹⁰ The investigation network comprises the Police, EFCC, ICPC, the Nigerian Financial Intelligence Unit (NFIU), *et cetera*.

¹¹ The prosecution regime consists of Directors of Public Prosecutions, EFCC and ICPC legal teams.

¹² Federal and State High Courts and the High Courts of the Federal Capital Territory, Abuja.

¹³ This refers to Nigerian correctional centers (prisons) established under the Nigerian Correctional Service Act, 2019, No 9, 2019.

¹⁴ The Economic and Financial Crimes Commission was established by the EFCC Establishment Act of December 2002 and became operational on April 13, 2003 under the President Olusegun Obasanjo administration. It is charged with the responsibility of preventing; investigating; and prosecuting economic crimes in Nigeria. The 2002 Act has been repealed and replaced by the 2004 Act, Cap E1, LFN, 2004.

¹⁵ ICPC was established by the Corrupt Practices and Other Related Offences Act, 2000 No 5, 2000, now Cap C31, LFN, 2004.

¹⁶ The Criminal Code is contained in the Criminal Code Act 1916, now Cap C38, LFN, 2004.

¹⁷ The Penal Code is contained in the Penal Code Act, 1963, Cap 89, Laws of Northern Nigeria, which is supplanted by the Penal Code (Northern States) Federal Provisions Act, No 25, 1960, now Cap P3, LFN, 2004.

¹⁸ Established by s 214 of the Constitution of Nigeria, 1999 and the Police Act, 2020, No 2, 2020.

¹⁹ Established by the 5th Schedule to the Constitution of Nigeria, 1999 and the Code of Conduct Bureau and Tribunal Act, 1989, No 1, 1989, now Cap C23, LFN, 2004.

²⁰ See, UK Government, 'Economic Crime and Corporate Transparency Act: Economic Crime in the UK' *ibid* (n 6).

²¹ The Economic and Financial Crimes Commission *ibid* (n 14).

²² The Independent Corrupt Practices Commission *ibid* (n 15).

together and efficiently,²³ notably, at the commencement of cases and this, consequently, leads to dropped charges. For instance, in practice, the Police may undertake preliminary investigations, then, hand-over findings to the EFCC wherein the ICPC's jurisdiction overlaps, in theory. In practice, failure of coordination could cause loss or misplacement of major evidence. Also, when agencies ignore collaborating on joint task forces or intelligence sharing, this could mean that intra and inter-agency cordial relationship remains insufficient, consequently, affecting the enforcement of judgments deriving from corruption proceedings.²⁴

3.2 Political Interference

The immense involvement of the President in the nomination and appointment of the EFCC Chairman is another defect in the administration of criminal justice on economic crimes. The Chairman of the Commission, being an appointee of the President, will, likely, be loyal to the President and can undermine institutional freedom. There are historical instances illustrating this defect. The first EFCC Chairman, Nuhu Ribadu, passionately, chased high-ranking cases but was, eventually, relieved of his duties after publicly accusing the President's political allies.²⁵ Salami²⁶ has, also, alleged that the then sitting Chief Judges of States and other heads of courts were under political pressure, as such, the several cases instituted against State Governors, have been frustrated through politically-influenced injunctions.²⁷

In a nutshell, officers wielding the powers of the offices tend to be able to manipulate and evade the criminal justice system. As rightly noted, the politicisation of anti-corruption prosecutions is a double-edged sword where powerful high-ranking suspects are often untouchable and when there is a change in administration, the corruption investigation may resume, resulting in an ad hoc cycle, rather than harmonious operation of rule of law.²⁸

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3.3 Resources and Capacity

The various anti-corruption agencies in Nigeria are operating with extremely choked budgets and inexperienced staff. The Human Rights Watch, succinctly, notes that 'anemic budgets and staffing limitations' plague EFCC and ICPC.²⁹ Evidence and forensic expertise are, largely, lacking. The courts, often, adjourn trials, basically, for lack of records or expert witnesses.³⁰ The Police and Prosecution are underfunded and the effect of this is that even when financial crimes are uncovered, principal investigators may not be able to follow complex money trails or prosecute, when necessary, in foreign jurisdictions. Human Rights Watch reported that many

²³ Ayodeji GI Ilori and SI Odukoya, 'Perception of Judicial Corruption: Assessing Its Implications for Democratic Consolidation and Sustainable Development in Nigeria' *ibid* (n 4) 67-80.

²⁴ Ayodeji GI Ilori and SI Odukoya, 'Perception of Judicial Corruption: Assessing Its Implications for Democratic Consolidation and Sustainable Development in Nigeria' *ibid*.

²⁵ Human Rights Watch, *Nigeria: Corruption on Trial?: The Records of Nigeria's Economic and Financial Crimes Commission* (ISBN 1-56432-800-7, August 2011) <https://www.hrw.org/reports/nigeria0811> accessed 11 June 2025.

²⁶ His Lordship, Hon Justice Isa Ayo Salami, is a former President of the Nigerian Court of Appeal.

²⁷ IO Babatunde and AO Filani, 'The Economic and Financial Crimes Commission and Its Role in Curbing Corruption in Nigeria: Evaluating the Success Story So Far' (2016) 2(6) *International Journal of Law* 14-22.

²⁸ Human Rights Watch, *Nigeria: Corruption on Trial?: The Records of Nigeria's Economic and Financial Crimes Commission* *ibid* (n 25).

²⁹ Human Rights Watch, *Nigeria: Corruption on Trial?: The Records of Nigeria's Economic and Financial Crimes Commission* *ibid*.

³⁰ Human Rights Watch, *Nigeria: Corruption on Trial?: The Records of Nigeria's Economic and Financial Crimes Commission* *ibid*.

EFCC cases ‘have made little progress in the courts’, over years.³¹ The backlog of pending cases is large and the courtrooms are overcrowded. It is safe to conclude that Nigeria’s anti-corruption agencies are subject to weak enforcement capability, as a result of resource deficit.³²

3.4 Judicial Deficiencies and Procedural Delays

In the fight against corruption in Nigeria, the courts are a major factor militating against the fight. Nigeria’s judiciary, though meticulously independent, suffers from bribery, unnecessary delay, and incompetence. Social-survey data regarding economic cases show that Nigerians see judicial corruption as widespread, including bribing of judges and court staff to earn politically-motivated rulings.³³ In practice, these acts manifest as a culture of delay and undue influence,³⁴ bringing about the report that wealthy defendants explore the option to arrive at indefinite protracted trials.³⁵ As Sunday noted, ‘individuals who embezzled large sums could manipulate the judicial system, delay proceedings, and ultimately evade justice’.³⁶ Sunday added that cases dragged for decades with no verdict, the slow pace, consequently, causing evidence to vanish and witnesses to recant.³⁷

It is trite to mention that judicial bribery takes different forms. Judges, Prosecutors or court-clerks may be paid-off, case file lost or doctored, and court lists manipulated to favour one party.³⁸ The courts have, in time past, “lost” EFCC files or divulged indictments in high-profile cases.³⁹ Even where judgments are delivered, enforcement may fail.⁴⁰ Hoffman noted that civil society views bribery, procurement fraud, and public fund embezzlement as ‘common and commonly accepted’ despite being disapproved of.⁴¹ Summarily, Nigeria’s judiciary, in its present form, cannot be relied upon to administer economic crime cases, fairly. The backlog and bribery issues do not only hinder convictions but erode the deterrent effect of the law.

Procedurally, the Nigerian justice system lacks specialised processes for complex fraud cases.⁴² Economic crime trials take place in regular criminal courts, with judges and prosecutors who are likely to have little or no finance expertise.⁴³ There are no fast-track or specialised corruption courts, as a result, cases trail general dockets. Also, bailable offences further permit accused

³¹ Human Rights Watch, ‘Everyone’s in on the Game’: *Corruption and Human Rights Abuses by the Nigeria Police Force* (ISBN 1-56432-671-3, August 2010) <http://www.hrw.org/en/reports/2010/08/17/everyone-s-game-0> accessed 3 June 2025.

³² MO Atoyebi, ‘Assessing the Implementation and Impact of Anti-Corruption Laws in Nigeria’ (2023) Law Pavilion Blog <https://lawpavilion.com/blog/assessing-the-implementation-and-impact-of-anti-corruption-laws-in-nigeria/> accessed 3 June 2025.

³³ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ (2024) *Chatham House Publication DOI: 10.55317/9781784136239*

³⁴ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ *ibid* (n 33).

³⁵ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ *ibid*.

³⁶ Chinomso Sunday, ‘Judicial Bribery, Slow Trials Weaken Anti-Corruption Efforts’ (*NewsCentral TV Publications*, 2025) <https://www.newscentral.africa> accessed 3 June 2025.

³⁷ Chinomso Sunday, ‘Judicial Bribery, Slow Trials Weaken Anti-Corruption Efforts’ *ibid* (n 36).

³⁸ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ *ibid*.

³⁹ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ *ibid*.

⁴⁰ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ *ibid*.

⁴¹ LK Hoffman, ‘Tackling Judicial Bribery and Procurement Fraud in Nigeria’ *ibid*.

⁴² Human Rights Watch, ‘Everyone’s in on the Game’: *Corruption and Human Rights Abuses by the Nigeria Police Force* *ibid* (n 31).

⁴³ Human Rights Watch, *Nigeria: Corruption on Trial?: The Records of Nigeria’s Economic and Financial Crimes Commission* *ibid* (n 25)

persons, especially, suspects with foreign links, to jump bail, while others destroy evidence. Sentences are mostly lenient or converted to fines, consequently, undermining deterrence. Human Rights Watch reported that, of the numerous high-level officials arraigned by the EFCC, only four had been convicted after years, and none served significant jail time.⁴⁴ In the first part, this achievement is reflective of the prosecutorial challenges and evidentiary strictness, while on the second part, the influence of well-funded defence counsels exploiting procedural lacunas. Collectively, these factors connote that Nigeria's procedural rules on bail, appeals, disclosure, *et cetera*, bring heavy barriers to successful economic crime adjudication.

3.5 Doctrinal and Legal Framework Issues

Aside from the foregoing institutional weaknesses, there are doctrinal defects in Nigeria's laws regarding economic crimes. On paper, enactments like the Economic and Financial Crimes Commission Act 2004, and Independent Corrupt Practices and Other Related Offences Commission Act, 2000 are vast. The laws empower the respective agencies to seize assets, freeze accounts and prosecute offenders.⁴⁵ However, it has been argued that the laws lack clarity and teeth in basic circumstances.⁴⁶

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Furthermore, section 308 of the Constitution Federal Republic of Nigeria, 1999 (as amended) contains immunities clause that protects the President, Vice-President, State Governors and State Deputy-Governors, from prosecution, for actions done while in office. Courts have interpreted this in various ways.⁴⁷ In practice, however, there is no serving or immediate former President or State Governor that has been, successfully, prosecuted for corruption while in office because of this immunity.⁴⁸ Impeachment, although rare and highly politicised, is a great means to remove immunity, making accountability almost impossible. This constitutional immunity is popularly and largely conceived as a loophole in the fight against corruption.

Another doctrinal defect is the permissive plea-bargaining regime. Plea-bargaining is where accused persons are allowed to pay fines or surrender assets in exchange for light sentences.⁴⁹ This doctrine is a major defect in the fight of corruption and this is why the practice is often criticised. A former Chief Justice of Nigeria condemned plea-bargaining in corruption cases, as allowing 'criminals to escape punishment'.⁵⁰ Known high-profile convicts have paid token fines for multi-million-dollar fraud, which majority sees as injustice. Also, the assets impounded by administrative forfeiture, mostly, remain unpublicised or unrecovered. In short, the presence of an uncodified immunity for elites, lack of strict corporate criminal liability for bribery, and plea-bargaining options, connote that the substantive law falls short of its deterrent purpose.

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⁴⁴ Human Rights Watch, 'Everyone's in on the Game': *Corruption and Human Rights Abuses by the Nigeria Police Force* *ibid* (n 31).

⁴⁵ MO Atoyebi, 'Assessing the Implementation and Impact of Anti-Corruption Laws in Nigeria' *ibid* (n 32).

⁴⁶ Economic and Financial Crimes Commission (Establishment) Act 2004 *ibid* (n 14). For example, originally, the EFCC Act put the EFCC Chairman under the watch of the Attorney-General of the Federation, thereby, giving the Attorney-General of the Federation the power to control investigations.

⁴⁷ IO Babatunde and AO Filani, 'The Economic and Financial Crimes Commission and Its Role in Curbing Corruption in Nigeria: Evaluating the Success Story So Far' *ibid* (n 27).

⁴⁸ IO Babatunde and AO Filani, 'The Economic and Financial Crimes Commission and Its Role in Curbing Corruption in Nigeria: Evaluating the Success Story So Far' *ibid*.

⁴⁹ S 270, Administration of Criminal Justice Act 2015, No 13, 2015.

⁵⁰ IO Babatunde and AO Filani, 'The Economic and Financial Crimes Commission and Its Role in Curbing Corruption in Nigeria: Evaluating the Success Story So Far' *ibid*.

Additionally, upon judgment being delivered by the trial court, enforcement of same suffers from legal uncertainty. Frequent appeals and legal challenges, for instance on jurisdictional grounds, (states v federal power) or compliance with UN Conventions, can halt execution. The lack of clarity on the adequate forum for trying multinational and cyber fraud also creates gaps. Unlike the UK law, which covers overseas bribery in details and has recent corporate compliance reforms, Nigeria's statutes have lagged, giving some economic criminals the opportunity to exploit grey areas or extrajudicial political deals.

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Deriving from the foregoing, therefore, an imperfect legal framework, immunity for the high-ranking officeholders, murky plea and forfeiture procedures, as well as fragmented legislation compound the practical impediments. As rightly noted by legal scholars, 'the major albatross encountered by the EFCC lies not in the legal instruments with which to work, but the will-power, weak implementation and enforcement machinery'.⁵¹ In other words, Nigeria has many anti-corruption laws, but the defects are in the structure and applicability of those laws.

4.0 Comparative Analysis of Economic Crimes Regime in Nigeria, the United Kingdom and Canada

In analysing Nigeria's situation, within proper context, how two other common law jurisdictions, namely; the UK (that is, England and Wales) and Canada, configure their economic crime regimes, will, now, be examined. It is noteworthy that these jurisdictions are not immune to corruption but they have developed wide legislative schemes and enforcement styles that give useful contrasts. Traditionally, both countries inherited broad common law and statutory fraud offences, which have been updated, over time.

4.1 Historical Background and Scope of Economic Crime in the United Kingdom and Canada

In the UK, major transformations came in the 21st century, such as the Fraud Act, 2006 (UK),⁵² which merged fraud offences into a single statutory framework, defining fraud by false representation, failure to disclose, or abuse of position.⁵³ While in Canada, the Criminal Code, 1985 (Canada),⁵⁴ a federal statute has, long, consisted of detailed fraud and financial crime provisions, such as section 380 thereof, which defines 'general fraud' as 'deceit, falsehood or other fraudulent means', with sanctions of up to 14 years and imprisonment for large-value fraud.⁵⁵

Also, bribery and corruption are criminalised by both the UK and Canada. UK's Bribery Act, 2010⁵⁶ spells out offences, including bribing foreign and domestic officials, and presented

⁵¹ IO Babatunde and AO Filani, 'The Economic and Financial Crimes Commission and Its Role in Curbing Corruption in Nigeria: Evaluating the Success Story So Far' *ibid*.

⁵² C 35, 2006.

⁵³ Ss 2, 3 and 4 Fraud Act 2006 (UK) *ibid* (n 52).

⁵⁴ Criminal Code, 1985 (Canada) RSC, 1985, c C-46.

⁵⁵ S 380, Criminal Code, 1985 (Canada) *ibid* (n 54).

⁵⁶ The Bribery Act, 2010 (UK) (c 23).

corporate liability for ‘failure to prevent’ bribery by employees, but Canada’s Criminal Code⁵⁷ criminalises bribery of public officials, both domestic and foreign, under the Corruption of Foreign Public Officials Act, 1998 (CFPOA)⁵⁸ and various influence-peddling schemes.⁵⁹

Furthermore, it can be deduced that both nations have, gradually but consistently, strengthened anti-money laundering laws. For instance, the UK’s Proceeds of Crime Act 2002 (POCA)⁶⁰ and its Anti-Money Laundering Regulations,⁶¹ impose detailed and widespread reporting obligations, as well as asset seizure powers.⁶² Also, Canada’s Proceeds of Crime (Money Laundering) and Terrorist Financing Act, 2000 (PCMLTFA),⁶³ commands financial disclosure, by a whole lot of businesses and it authorises seizure of illicit proceeds.⁶⁴

As time passed, awareness about economic crimes grew. In the UK, complex, high-profile corporate scandals and global money-laundering patterns brought the creation of new bodies, such as the Serious Fraud Office (SFO) in 1987,⁶⁵ which is responsible for combating serious fraud, bribery and corruption incidents. In Canada, federal enforcement was intensified after the 1990s, with initiatives, such as the Integrated Market Enforcement Teams (IMETs), which were formed in the early 2000s, to detect, investigate and deter capital markets fraud and which will be discussed in greater details later in this work. Notably also, both countries have drawn on international standards, such as the OECD anti-bribery conventions and Financial Action Task Force Guidelines to hone their respective domestic laws.⁶⁶

Summarily, both jurisdictions identify economic crime as a wide category of offences against financial uprightness. The UK leans towards using definite statutes, including Fraud Act, 2006 (UK),⁶⁷ Bribery Act, 2010 (UK),⁶⁸ POCA,⁶⁹ which define elements of specific crimes, while

⁵⁷ Criminal Code, 1985 (Canada) *ibid*.

⁵⁸ Corruption of Foreign Public Officials Act, 1998 (Canada) (CFPOA), SC 1998, c 34.

⁵⁹ Corruption of Foreign Public Officials Act, 1998 (Canada) (CFPOA) *ibid* (n 58), ss 119-121.

⁶⁰ Proceeds of Crime Act 2002 (UK) (POCA) (c 29).

⁶¹ UK’s Anti-Money Laundering Regulations are requirements stipulated in various UK statutes, including the Financial Services and Markets Act, 2000 (FSMA) (c 8), the Proceeds of Crime Act, 2002 (POCA) *ibid*, the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations, 2017 (EG 19.14) and the Financial Conduct Authority (FCA) Handbook, the JMLSG Guides and the HM Treasury’s Guidance and Notices.

⁶² For instance, in October, 2024, FCA fined Starling Bank 29 million British Pounds (or \$36.6 million), for overly lenient financial crime control and a month later, in November, 2024, the FCA, again, fined Metro Bank about 17 million British Pounds (or \$21 million), for failing to properly monitor potential money laundering between 2016 and 2020; see, Daria Sav, ‘Breaking Down KYC/AML Regulations in the UK: Easy-to-read Guide’ (*The Sumsuber*, 4 December, 2024) <https://sumsub.com/blog/kyc-aml-regulations-in-the-uk/> accessed 3 June, 2025.

⁶³ Proceeds of Crime (Money Laundering) and Terrorist Financing Act, 2000 (PCMLTFA) (Canada) (SC 2000, c 17).

⁶⁴ Department of Finance, Canada, ‘Reviewing Canada’s Anti-Money Laundering and Anti-Terrorist Financing Regime’ <https://www.canada.ca/content/dam/fin/migration/activity/consult/amlatfr-rpcfa-eng.pdf> accessed 3 June, 2025.

⁶⁵ Established by the Criminal Justice Act, 1987 (UK) (c 38).

⁶⁶ Kenneth W Abbot, ‘Corruption, Fight Against’ [https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e918](https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e918?p=emailAYxq/4VA01Ds2&d=/10.1093/law:epil/9780199231690/law-9780199231690-e918) accessed 3 June, 2025. On IMETs, see *infra* (nn 125 and 165) for greater details.

⁶⁷ Fraud Act, 2006 (UK) *ibid* (n 52).

⁶⁸ Bribery Act, 2010 (UK) *ibid* (n 56).

⁶⁹ POCA (UK) *ibid* (n 60).

Canada lodges those crimes in the Criminal Code,⁷⁰ with comparable elements, in addition to specialised statutes, including CFPOA⁷¹ and PCMLTFA.⁷² Both structures have, consequently, grown to address modern financial schemes, including digital fraud and transnational money laundering.⁷³

4.1.2 Legislative Frameworks of the UK and Canada

The legislation governing economic crimes indicates both matches and differences in the jurisdictions under reference:

4.1.2.1 Fraud and Dishonesty

In the UK, the Fraud Act 2006⁷⁴ created a general offence of fraud with three modes of commission,⁷⁵ which all entail dishonesty, discovery and intent to make a gain or cause a loss. Thus, actual loss need not occur for the offence to be committed.⁷⁶ The Act allows up to 10 years' imprisonment for fraud, in its section 1.⁷⁷ Canada's Criminal Code, contrarily, defines "fraud" in section 380 thereof, as defrauding anyone of property or money by deceit or falsehood.⁷⁸ Fraud over \$5,000 stands as an indictable offence with up to 14 years' imprisonment.⁷⁹ Even high-value capital markets influences affecting public market prices would attract up to 14 years' imprisonment.⁸⁰ Summarily, the UK laws codify various fraud designs with a single maximum of 10 years' imprisonment. However Canada's Code bonds maximum penalties with loss amounts, which is 14 years' imprisonment for major fraud. Both laws allow either summary or indictable procedure, depending on seriousness.

4.1.2.2 Bribery and Corruption

The UK's Bribery Act 2010⁸¹ is all-encompassing. It covers offering, giving, requesting or receiving bribes, both domestically and internationally, and enforces corporate liability if a company fails to avert bribery by its associates.⁸² Individuals found guilty on indictment may face up to 10 years' imprisonment or unlimited fines⁸³ and companies may face unlimited fines for the offence of failing to prevent bribery created in section 7 of the Act.⁸⁴

⁷⁰ Criminal Code (Canada) *ibid* (n 54).

⁷¹ CFPOA (Canada) *ibid* (n 58).

⁷² PCMLTFA (Canada) *ibid* (n 63).

⁷³ Diana Bociga, Nicholas Lord and Elisa Bellotti, 'Dare to Share: Information and Intelligence Sharing Within the UK's Anti-Money Laundering Regime' (2025) 35 (6) *Policing and Society* 812-831 <https://www.tandfonline.com/doi/full/10.1080/10439463.2024.2428735> accessed 9 September, 2025.

⁷⁴ Fraud Act 2006 (UK) *ibid*.

⁷⁵ Fraud Act, 2006 (UK) *ibid* ss 2, 3 and 4.

⁷⁶ Fraud Act, 2006 (UK) *ibid*.

⁷⁷ Fraud Act, 2006 (UK) *ibid*, s 1.

⁷⁸ Criminal Code (Canada) *ibid*, s 380.

⁷⁹ Criminal Code (Canada) *ibid*, s 380(1)(b).

⁸⁰ Although no exact section of the Criminal Code (Canada) *ibid*, directly, links 'high-value capital markets influences' to a specific 14-year imprisonment, nonetheless, such 'high-value capital markets influences' will qualify as high-level or substantial "fraud", under s 380 of the Criminal Code, punishable with a maximum 14-year imprisonment term.

⁸¹ Bribery Act, 2010 (UK) *ibid*.

⁸² Bribery Act, 2010 (UK) *ibid*.

⁸³ Bribery Act, 2010 (UK) *ibid*, s 11.

⁸⁴ Bribery Act, 2010 (UK) *ibid*, s 11.

Canada's tactic is similar to the UK's in outlawing public-official bribery.⁸⁵ The country's Criminal Code,⁸⁶ forbids individuals or companies from bribing federal officials, either generally,⁸⁷ or in a way that creates a *quid pro quo* arrangement⁸⁸ or in business dealings.⁸⁹ Also, section 3(1) of the Corruption of Foreign Public Officials Act (Canada),⁹⁰ explicitly, addresses bribery of foreign officials by establishing the offence of bribing a foreign public official.⁹¹ The maximum punishment under this provision used to be 5 years imprisonment but was increased to 14 years imprisonment in 2013, by the Fighting Foreign Corruption Act, 2013 (Canada),⁹² which was a significant amendment to the Corruption of Foreign Public Officials Act (Canada)⁹³ and which brought the Canadian law in tandem with international standards set by the Organisation for Economic Cooperation and Development (OECD).⁹⁴ At the moment, unlike the UK, Canada does not have a statutory 'failure to prevent' offence.

4.1.2.3 Money Laundering and Asset Recovery

Both the UK and Canada impose rigorous anti-money laundering rules. In the UK, POCA⁹⁵ defines 'criminal property', broadly, as any assets from illegal conduct and makes it an offence to handle, possess, acquire, or move such property without consent.⁹⁶ The Act further allows confiscation of proceeds of crime and even civil forfeiture without criminal conviction.⁹⁷ It imposes reporting obligations on regulated businesses, such as banks, lawyers, accountants, *et cetera*, filing of Suspicious Activity Reports (SARs) to the National Crime Agency (UK),⁹⁸ once they suspect transactions involving criminal proceeds.

⁸⁵ Criminal Code (Canada) *ibid*, ss 119-121.

⁸⁶ Criminal Code (Canada) *ibid*.

⁸⁷ Criminal Code (Canada) *ibid*, s 121(1).

⁸⁸ Criminal Code (Canada) *ibid*, s 121(1)(a). The term '*quid pro quo*', literally, means 'something for something' or colloquially, 'rob my back and I rob your back'. It refers to a reciprocal exchange or agreement by which something is given in return for something else. The term applies, among others, to illegitimate or inappropriate exchanges, such as bribery, where, for instance, an official's action or inaction is exchanged for bribe.

⁸⁹ Criminal Code (Canada) *ibid*, s 121(1)(b).

⁹⁰ CFPOA (Canada) *ibid*.

⁹¹ CFPOA (Canada) *ibid*, s 3(1). The offence in that section is committed when a person, directly or indirectly, gives, offers, or agrees to give or offer a loan, reward, advantage, or benefit to a foreign public official (or for their benefit) in order to influence their official duties or to obtain or retain a business advantage.

⁹² Bill S-14, 2013, which received royal assent on 19 June, 2013 and became Cap 26, 2013 Statutes of Canada.

⁹³ The Act resulted in s 3(2) CFPOA (Canada) (as amended).

⁹⁴ OECD is an intergovernmental economic organisation founded in 1961 and has its headquarters in Paris, France. OECD has 38 member-countries and the vision of promoting policies that advance socio-economic wellbeing of people across the world. It aims at achieving its vision by providing a platform for governments to collaborate, shares experiences, seek solutions to common problems, and develop common standards for the purpose of attaining socio-economic growth and development, globally; see OECD, 'About the OECD' <https://www.oecd.org/en.html> accessed 25 3 June, 2025.

⁹⁵ Proceeds of Crime Act 2002 (UK) (POCA) (c 29) *ibid* (n 60).

⁹⁶ POCA (UK) *ibid*, s 340(3).

⁹⁷ POCA (UK) *ibid*, the whole of pt 5.

⁹⁸ The National Crime Agency is a UK national law enforcement agency and is the country's lead agency against organised crime - human, weapon and drug trafficking, cybercrime, and economic crime that goes across regional and international borders, although it can be saddled with the duty to investigate any crime. It, generally, protects the

Canada's Proceeds of Crime (Money Laundering) and Terrorist Financing Act, 2000 (PCMLTFA)⁹⁹ is similar to the UK's POCA.¹⁰⁰ PCMLTFA (Canada) compels more than 24,000 financial institutions and other 'reporting entities' for instance, real estate, casinos, accountants, *et cetera*, to record large cash transactions and report suspicions to FINTRAC (Canada).¹⁰¹ The consequence of non-compliance can be prosecution.¹⁰² In the same vein, Canada's Criminal Code criminalises laundering of the proceeds of most crimes.¹⁰³

4.1.2.4 Corporate Criminal Liability

In both countries, corporations can be prosecuted for economic crimes, but the attribution tests vary. The UK common law required the recognition of a 'directing mind', who is often a senior officer, whose criminal intent is assigned to the company. Latest reform in the Economic Crime and Corporate Transparency Act, 2023, UK (ECCTA),¹⁰⁴ has, however, codified this common law corporate criminal responsibility position by introducing a 'senior manager' test, by which a senior manager is established as one whose duties cover a substantial part of the business such that corporate liability no longer hinges on a single controlling mind.¹⁰⁵

Contrarily, the Canadian Criminal Code¹⁰⁶ has, long, included a broad corporate liability scheme. Section 22(2) thereof makes an organisation a party to an offence if one of its 'senior officers', a term that is defined, widely, as including directors or other high-level managers, commits the

British society; see, NCA, 'Who We Are' <https://www.nationalcrimeagency.gov.uk/who-we-are> accessed 5 June, 2025.

⁹⁹ PCMLTFA (Canada) *ibid*.

¹⁰⁰ POCA (UK) *ibid*.

¹⁰¹ PCMLTFA (Canada) *ibid*, pt 1 (Reporting), pt 2 (Record Keeping), pt 3 (customer due diligence) and PCMLTFA Regulations that detail reporting obligations of the various reporting entities; see also, Financial Transactions and Reports Analysis Centre of Canada (Government of Canada), 'Strategic Intelligence' <https://www.canada.ca/en/services/defence/nationalsecurity/strategic-intelligence.html> accessed 10 August 2025. The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) is, more or less, the equivalent of UK's National Crime Agency (NCA) and is Canada's anti-money laundering and anti-terrorist financing (AML/ATF) authority. It is responsible for detecting and preventing crimes and for this purpose, it collects and analyses financial transaction reports, issues guidelines and provides financial intelligence to law enforcement and other government agencies in order to secure Canada.

¹⁰² See, PCMLTFA (Canada) *ibid*, s 65, which allows FINTRAC to disclose information that could be relevant to investigating or prosecuting an offence under the Act, linking non-compliance to potential prosecution efforts.

¹⁰³ Criminal Code (Canada) *ibid*, s 462.31 (or pt XII.2), which deals with proceeds of crime and provides the legal basis for prosecuting individuals who receive, possess, conceal, or use property, knowing it is proceed of crime.

¹⁰⁴ ECCTA, 2023 (UK) (c 56, 2023) received Royal Assent on 26 October, 2023 and is targeted at lowering economic crime and enhancing corporate transparency and accountability through strengthening Companies' House's powers, creating new corporate offences and holding corporate entities more accountable for fraud and other financial misconducts. The Act is being implanted in phases, with key changes to include new rules for companies, stronger identity verification processes and a novel failure to prevent fraud offence; see, Herbert Smith Freehills Kramer, 'Economic Crime and Corporate Transparency Act, 2023 - Implementing Radical Reforms to Companies House and Corporate Criminal Responsibility' <https://www.hsfkramer.com/notes/corporate/2025-posts/economic-crime-and-corporate-transparency-act-2023-implementing-radical-reforms-to-companies-house-and-corporate-criminal-liability> accessed 5 September, 2025.

¹⁰⁵ Simmons and Simmons, 'Corporate Criminal Liability' <https://www.simmons-simmons.com/en/features/economic-crime-and-corporate-transparency-act-2023/clwi1b96t00owv7gertsfwcjg/corporate-criminal-liability> accessed 5 September, 2025.

¹⁰⁶ Criminal Code (Canada) *ibid*.

offence for the advantage of the organisation, or where senior officers instruct others to commit the offence, or if they fail to take reasonable steps to halt a subordinate's offence.¹⁰⁷

4.1.2.5 Sanctions and Export Controls:

Contemporary economic crime includes violation of trade sanctions. The UK has applied several sanctions strategies through the Sanctions and Anti-Money Laundering Act, 2018 (UK) (SAMLA)¹⁰⁸ and subsequent orders that target money laundering and foreign corruption. Similarly, Canadian laws empower the country's government to inflict and enforce financial sanctions, using regulations and amendments to the Special Economic Measures Act, 1992 (Canada) (SEMA).¹⁰⁹ Both jurisdictions are reputed for very vigorous and resolute sanctions' enforcement.

Deriving from the foregoing, legislative differences include the form and scope of laws; corporate liability tests; sentencing limits, *et cetera*, and they definite offences that are introduced, such as the UK's 'failure to prevent' offence being exclusive. Be that as it may, the whole regime of criminalising fraud, bribery and money laundering is, largely, identical in both countries, as each nation adopts international standards in its legal panache.

4.2 Law Enforcement Structures and Practices in the UK and Canada

Regardless of legal resemblances in the UK and Canada, their respective enforcement establishments vary. In the UK, the SFO¹¹⁰ is the principal organisation for major fraud, bribery and corruption cases most, especially, those cases with international or national status.¹¹¹ The SFO has its own investigative and prosecutorial staff and distinctive powers.¹¹²

Aside the SFO, the National Economic Crime Centre (NECC),¹¹³ which was established in 2018, gives a multi-agency hub-pooling resources from Police, customs and others, to combat difficult economic crime. Also, the regional Police forces have specialist economic crime units, such as, the City of London Police Fraud Squad, the Metropolitan Police's Economic Crime Directorate, all of which investigate local fraud, cybercrime, and forgery. Regulatory organisations in finance, such as the Financial Conduct Authority (FCA),¹¹⁴ can investigate and refer cases of market abuse to criminal authorities. His Majesty's Revenue and Customs (HMRC)¹¹⁵

¹⁰⁷ Criminal Code (Canada) *ibid*, s 22(2).

¹⁰⁸ SAMLA, 2018 (UK) (c 13, 2018 received Royal Assent on 23 May, 2018.

¹⁰⁹ SEMA, 1992 (Canada) (SC 1992, c 17- CanL II).

¹¹⁰ Serious Fraud Office *ibid* (n 65).

¹¹¹ SFO, 'Serious Fraud Office' <https://www.gov.uk/government/organisations/serious-fraud-office> accessed 3 September, 2025.

¹¹² Dechert, 'The Anti-Bribery and Anti-Corruption Review: United Kingdom - England and Wales' <https://www.dechert.com/knowledge/publication/2022/11/the-anti-bribery-and-anti-corruption-review--united-kingdom--en.html> accessed 3 September, 2025.

¹¹³ The National Economic Crime Centre of the NCA *ibid* (n 98).

¹¹⁴ FCA, 'Welcome to the Financial Conduct Authority' <https://www.fca.org.uk/> accessed 3 September, 2025. FCA, which was established on 1 April, 2013, consequent upon amendments to the Financial Services and Markets Act, 2000 (c 8, 2000) by the Financial Services Act, 2012 (c 21, 2012), is charged with the responsibility of, generally, regulating UK's financial services industry and specifically, protecting consumers, stabilising the industry and promoting healthy competition among financial services providers; see, UK Government, 'Financial Conduct Authority' <https://www.gov.uk/government/organisations/financial-conduct-authority> accessed 3 September, 2025.

¹¹⁵ HMRC, which was formed on 18 April, 2005 by the merger of UK's Inland Revenue and Her Majesty's Customs and Excise, is a UK Government's department that is charged with the responsibility, among others, of collecting

investigates tax fraud and money laundering. In the UK, frauds are reported, through the National Fraud Intelligence Bureau (NFIB), to the Action Fraud (AF), which is UK's national reporting centre for frauds and cybercrimes. AF is run by the City of London Police, on behalf of UK Police forces.¹¹⁶

Furthermore, the UK government, recently, heightened enforcement under the Economic Crime Plan 2 (2023).¹¹⁷ For instance, the government dedicated hundreds of new specialist investigators, across law enforcement and customs, to augment money-laundering detection and asset recovery.¹¹⁸ A new Combatting Kleptocracy Cell within the NCA was extended to focus on corrupt elites, specifically, in view of Russian sanctions.¹¹⁹ Also, the plan projected a new multi-agency cryptocurrency enforcement team. In all, the UK law enforcement puts economic crime as a system-wide priority, coordinating Police, prosecutors and regulators, in mutual operations.¹²⁰

In Canada, however, the duty of enforcing economic crime laws is shared between Canadian federal agencies, such as Royal Canadian Mounted Police (RCMP)¹²¹ and the Public Prosecution Service of Canada (PPSC)¹²² on the one hand, and provincial agencies, on the other hand.¹²³ Although the RCMP concentrates on enforcing many federal economic crimes, nevertheless, the

taxes; see, UK Government, 'HM Revenue and Customs' <https://www.gov.uk/government/organisations/hm-revenue-customs> accessed 4 September, 2025.

¹¹⁶ Action Fraud, '24/7 Live Cyber Reporting for Businesses' <https://www.actionfraud.police.uk/> accessed 4 September, 2025.

¹¹⁷ UK's Economic Crime Plan 2 (ECP 2), which was published in March, 2023, set out how public and private sectors would reduce economic crime, protect the UK national security, and support the country's legitimate economic growth and competitiveness; see, UK Government, 'Research Analysis: Economic Crime Plan 2: Outcomes Progress Report' (UK Home Office, 2 September, 2025) <https://www.gov.uk/government/publications/economic-crime-plan-2-outcomes-progress-report/economic-crime-plan-2-outcomes-progress-report#:~:text=The%20Economic%20Crime%20Plan%202,legitimate%20economic%20growth%20and%20competitiveness> accessed 4 September, 2025.

¹¹⁸ Home Office, HM Treasury, Baroness Penn and Suella Braverman, 'New plan puts UK at the forefront of fight against economic crime' (30 March 2023) <https://www.gov.uk/government/news/new-plan-puts-uk-at-the-forefront-of-fight-against-economic-crime> accessed 27 August 2025.

¹¹⁹ Home Office, HM Treasury, Baroness Penn and Suella Braverman, 'New plan puts UK at the forefront of fight against economic crime' *ibid* (n 118).

¹²⁰ Home Office, HM Treasury, Baroness Penn and Suella Braverman, 'New plan puts UK at the forefront of fight against economic crime' *ibid*.

¹²¹ The RCMP, commonly called 'the Mounties' in the English Language, and which is an agency of the Government of Canada, is the national police service of Canada. It also provides police services, under contract, to 11 provinces and territories, over 150 municipalities, and 600 indigenous communities; see, Royal Canadian Mounted Police, 'Royal Canadian Mounted Police - Serving With Excellence' <https://rcmp.ca/en> accessed 4 September, 2025.

¹²² The Director of Public Prosecutions Act, 2006 (SC 2006, c 9) established the PPSC on December 12, 2006. The PPSC is an independent Canadian federal agency, whose duty is to prosecute federal offences, on behalf of the Government of Canada and provide legal advice and assistance for the purpose of law enforcement; see, Public Prosecution of Canada, 'About the PPSC' <https://www.ppsc-sppc.gc.ca/eng/bas/index.html> accessed 4 September, 2025.

¹²³ Stephen Natrass and Alexander Carden, 'Financial Crime and Sanctions Law: 2024 in Review and Looking Ahead' (Norton Rose Fulbright, 4 March, 2025) <https://www.nortonrosefulbright.com/en-mh/knowledge/publications/2ac8a9da/financial-crime-and-sanctions-law-2024-in-review-and-looking-ahead> accessed 4 September, 2025.

PPSC, for instance, shares concurrent jurisdiction with provinces to prosecute offences against the federal government, such as fraud.¹²⁴

Remarkably, RCMP officers head the Integrated Market Enforcement Teams (IMETs),¹²⁵ which are specialised multi-agency, multi-disciplinary crews skilled in detecting, investigating and deterring major capital-market frauds, insider trading and other criminal misconduct in Canada's capital market.¹²⁶ IMETs function in financial centres, such as Alberta, British Columbia, Calgary, Montreal, Ontario, Quebec, Toronto, Vancouver, although their investigations can cover the whole of Canada. IMETs work, closely, in collaboration with various government bodies, securities regulators, such as the Ontario Securities Commission and other law enforcement agencies in order to, rapidly, detect, deter and disrupt financial crimes, especially, large-scale fraud arrangements that harm investors and the integrity of the Canadian capital market.¹²⁷

The RCMP deals with financial crimes, through other units, such as the Organised Crime Units and Major Economic Crimes units. It also works with the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC),¹²⁸ to track money-flows.¹²⁹ The Provincial police forces and municipal forces respectively have fraud crews handling local cases.¹³⁰ Regulators in Canada also possess enforcement strength such that the Competition Bureau can prosecute crimes, such as cartels, bid-rigging and conspiracies under the Competition Act,¹³¹ as well as civil reviewable practices, such as abuse of dominance and deceptive marketing.¹³² Also, securities commissions can send salaried or executive cases to the Police or, in some provinces, may even carry out administrative sanctions.

The Canadian Anti-Fraud Centre (CAFC),¹³³ is jointly operated by the RCMP¹³⁴ and the Ontario Provincial Police (OPP)¹³⁵ and the Competition Bureau Canada (CBC),¹³⁶ serves as a national

¹²⁴ Stephen Nattrass and Alexander Carden, 'Financial Crime and Sanctions Law: 2024 in Review and Looking Ahead' *ibid* (n 123).

¹²⁵ IMETs' central objective is to protect the economic interests of Canadians, especially, their investments in the Canadian capital market; see, Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' (Operational Alert Ref. FINTRAC-2021-OA001, July 2021) <https://fintrac-canafe.canada.ca/intel/operation/oai-hts-2021-eng> accessed 27 August 2025.

¹²⁶ The membership of IMETs is made up of police officers, forensic accountants, analysts, lawyers (including prosecutors) and allied experts; see, Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' *ibid* (n 125).

¹²⁷ Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' *ibid*.

¹²⁸ FINTRAC *ibid* (n 101).

¹²⁹ Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' *ibid* (n 125).

¹³⁰ Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' *ibid*.

¹³¹ Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' *ibid*.

¹³² Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), 'Updated Indicators: Laundering of proceeds from human trafficking for sexual exploitation' *ibid*.

¹³³ CAFC, which was established in January, 1993, in North Bay, Ontario, is Canada's national anti-fraud call centre and central fraud data repository; see Government of Canada, 'Canadian Anti-Fraud Centre' <https://antifraudcentre-centreantifraude.ca/index-eng.htm> accessed 27 August, 2025.

¹³⁴ RCMP *ibid* (n 121).

clearinghouse for fraud reports, akin to Action Fraud in the UK even though it has no enforcement powers of itself. FINTRAC ensures Anti-Money Laundering (AML) compliance by over 24,000 reporting entities,¹³⁷ but investigation and prosecution of money laundering incidents is, mostly, with the RCMP and the provincial police.

4.3 Prosecution and Judicial Process

Upon investigation, economic crime cases proceed to the prosecution stage, which is followed, largely, by comparable legal procedures but with jurisdictional variances in agencies and court structures:

4.3.1 The UK (England and Wales)

In the UK, most economic crime prosecutions are handled by the Crown Prosecution Service (CPS),¹³⁸ which has a dedicated Specialist Fraud Division that handles the prosecution of complex fraud cases. The SFO¹³⁹ conducts its own prosecutions for cases it investigates. Typically, the charges are authorised by CPS or SFO attorneys who apply the Full Code Test.¹⁴⁰ Defendants in serious fraud or bribery cases are, customarily, tried, on indictment, in the Crown Court, being a superior court with jury. Summary trials, that is, trials by Magistrates are rare for high-value fraud cases. The accused may be released on bail or remanded. Pre-trial, Prosecutors must disclose evidence, as required in the Criminal Procedure Rules. Plea negotiations are possible. Particularly, the UK has adopted Deferred Prosecution Agreements (DPAs),¹⁴¹ since

¹³⁵ OPP is the police service of the Province of Ontario, Canada, and among others, it patrols Ontario's highways and waterways; see, OPP, 'Ontario Provincial Police' <https://www.opp.ca/> accessed 4 September, 2025.

¹³⁶ CBC is Canada's independent law enforcement agency in charge of regulating competition in Canada and is responsible for ensuring that markets operate in a competitive manner and for the benefit of Canadian consumers and businesses knowing that competition drives lower prices, innovation and economic growth and development; see, Government of Canada, 'Competition Bureau Canada' <https://competition-bureau.canada.ca/en> accessed 4 September, 2025.

¹³⁷ Government of Canada, 'Canada's Anti-Money Laundering and Anti-Terrorist Financing Regime Strategy 2023-2026' (July, 2023) <https://www.canada.ca/en/department-finance/programs/financial-sector-policy/anti-money-laundering-anti-terrorist-financing/canada-anti-money-laundering-anti-terrorist-financing-regime-strategy-2023-2026.html> accessed 27 August 2025.

¹³⁸ The CPS, which is headed by the Director of Public Prosecutions, is the principal public agency for conducting criminal prosecutions in the UK (England and Wales), after investigation by the Police and other investigating agencies. CPS' decisions are independent of the Police and the UK government; see, CPS, 'The Crown Prosecution Service' <https://www.cps.gov.uk/> accessed 5 September, 2025.

¹³⁹ Serious Fraud Office *ibid* (nn 65 and 110).

¹⁴⁰ The Full Code Test is a two-tiered process and twin compulsory conditions, which Crown Prosecutors in the UK must meet before they can commence the prosecution of a suspect in any case; namely: (i) the evidence stage, where the Prosecutors determine if there will be a 'realistic prospect of conviction'; and (ii) the public interest stage, by which the Prosecutors assess whether or not prosecution is necessary, considering the interest of the public. The only exception to the compulsion to meet these two criteria before initiating prosecution is where the Threshold Test is applied; see, CPS, 'The Code for Crown Prosecutors' <https://www.cps.gov.uk/publication/code-crown-prosecutors> accessed 5 September, 2025.

¹⁴¹ DPAs, which are, usually, used in relation to economic crimes, such as fraud and bribery, and which is akin to plea-bargaining, are a court-approved agreement between a Prosecutor and a Defendant, by which formal charge proffered against the Defendant is suspended for a determined period, provided that the Defendant fulfils certain conditions, such as paying fines, compensating victims and implementing stipulated compliance programmes. If the Defendant meets all the conditions, the charges are, usually, dropped, because the objective of DPAs is to encourage criminological philosophies of rehabilitation and restoration. DPAs are, typically, used where the Defendants are

2014, through the Crime and Courts Act, 2013 (CCA).¹⁴² Under a DPA, a corporation can agree to admit wrongdoing, pay fines and implement reforms, in exchange for suspension of prosecution. DPAs have become a key tool for resolving corporate fraud cases without long trials. However, the SFO's recent guideline stresses cooperation and self-reporting, by companies, as factors to be considered for eligibility for a DPA.¹⁴³

4.3.2 Canada

In Canada, prosecution is, usually, led by Provincial Crown Attorneys, for likely all of the Criminal Code offences, or by the PPSC,¹⁴⁴ for federal cases, which, itself, is an independent federal body that is responsible for prosecuting federal offences, including money laundering, organised crimes, and serious frauds.¹⁴⁵ Notably, also, is the fact that Canada has introduced DPAs, known as 'remediation agreements', for corporations. Since 2018, companies can discuss DPAs for economic crimes, especially, for bribery and fraud cases, under the new Criminal Code provisions. It became available, as a response to business concerns about protracted prosecutions.¹⁴⁶

4.4 Courtroom Proceedings

Regarding courtroom proceedings, both countries share the common law trial design. The Defendant's guilt is decided by a judge or jury under strict rules of evidence.

In the UK Crown Court, fraud and bribery Defendants, naturally, have the right to a jury trial. Canada's criminal trials for serious fraud also, usually, take place in the country's superior courts, with juries, while, in lesser cases, that is, smaller-value frauds in Canada, same may proceed, summarily, without a jury. Procedural rights, such as, presumption of innocence, disclosure, right to counsel are, basically, similar. Both jurisdictions permit appeals. In the UK, appeals from the Crown Court go to the Court of Appeal (Criminal Division) and, possibly, the Supreme Court. In Canada, the Provincial Court of Appeal and eventually the Supreme Court of Canada serve similar functions.

4.5 Sentences

Courts impose sentences, following statutory guidelines and principles. In Canada, sentencing is guided by the Canada Criminal Code principles, to wit; proportionality, seriousness, offender's degree of responsibility and judicial precedent. Judges consider factors, such as the benefit gained by the offender and harm to victims. Both jurisdictions permit substantial imprisonment terms for economic crimes. As noted earlier, major fraud cases in the UK, attract up to 10 years' imprisonment,¹⁴⁷ and in Canada, attract up to 14 years' imprisonment.¹⁴⁸

companies; see, CPS, 'Deferred Prosecution Agreements' <https://www.cps.gov.uk/deferred-prosecution-agreements> accessed 5 September, 2025.

¹⁴² Crime and Courts Act, 2013 (UK) (c 22, 2013) received Royal Assent on 25 April, 2013.

¹⁴³ UK Government, 'SFO Corporate Guidance' <https://www.gov.uk/government/publications/sfo-corporate-guidance> accessed 5 September, 2025.

¹⁴⁴ The PPSC *ibid* (n 122).

¹⁴⁵ PPSC, 'Public Prosecution Service of Canada' <https://www.ppsc-sppc.gc.ca/en> accessed 27 August 2025.

¹⁴⁶ Osler, Hoskin & Harcourt LLP, 'Canada's deferred prosecution agreements: Still waiting for takeoff' (9 June 2023) <https://www.osler.com/en/resources/regulations/2023/canada-s-deferred-prosecution-agreements-still-waiting-for-takeoff> accessed August 2025.

¹⁴⁷ Fraud Act 2006 (UK) *ibid*.

Other judicial machineries available in both jurisdictions include confiscation and asset recovery courts, which in both countries, permit the relevant authorities to seize profits deriving from crime upon conviction, or sometimes, by civil orders without conviction. Specifically, this is made possible in the UK by POCA's civil recovery rules. Generally, the judicial processes for economic crime, in both countries, are, in functionality terms, similar.

4.6 Summary

For the ease of notable jurisdictions practices, it is necessary that a concise summary be made as contained hereunder:

4.6.1 United Kingdom

The UK operates a composite approach. At the doctrinal level, the UK has restructured its fraud and bribery laws, especially, by the Fraud Act 2006,¹⁴⁹ which replaced its archaic theft-based fraud offences, with a general definition including falsification, abuse of position, and failure to disclose.

The UK's Bribery Act 2010¹⁵⁰ is often referred to as 'one of the world's most comprehensive anti-corruption legal frameworks,' criminalising both giving and receiving of bribes and creating a strict corporate offence for failing to prevent bribery.¹⁵¹ The financial penalties under the UK's Proceeds of Crime Act, 2002 (POCA)¹⁵² are massive, and the country also has civil mechanisms, such as the Unexplained Wealth Orders and company transparency measures, to monitor surreptitious assets. The UK statutes are, also, beneficial for having comprehensive extraterritorial grasp.¹⁵³

Institutionally also, the UK designates serious cases to specialised bodies. The SFO¹⁵⁴ investigates and prosecutes the most complicated fraud and corruption cases, independently. The NCA¹⁵⁵ has a specialist financial crimes unit for cross-jurisdictional investigations and leads the UK's 2023-2026 Economic Crime Plan,¹⁵⁶ which accentuates public-private partnership, with the Government ascribing businesses 'the first line of defence' against economic crime.¹⁵⁷ Recent restructuring in the UK include amendment of companies house registration process, compulsory corporate compliance requirements, and increased sanctions enforcement.¹⁵⁸ While experts

¹⁴⁸ Criminal Code (Canada) *ibid*.

¹⁴⁹ Fraud Act 2006 (UK) *ibid*.

¹⁵⁰ Bribery Act, 2010 (UK) *ibid*.

¹⁵¹ Shabir Korotana, 'The Corporate 'Failure to Prevent' Principle in the UK Bribery Act 2010: Philosophical Foundations of Economic Crime' (2024) 45(1) Statute Law Review <https://academic.oup.com/slreview/article/45/1/hmae007/7613987> accessed 6 September, 2025.

¹⁵² POCA (UK) *ibid*.

¹⁵³ Pinsent Masons, 'The UK Bribery Act 2010: Principles, Offences and Penalties' <https://www.pinsentmasons.com/out-law/guides/the-uk-bribery-act-2010-principles-offences-and-penalties> accessed 5 September, 2025.

¹⁵⁴ Serious Fraud Office (UK) *ibid*.

¹⁵⁵ National Crime Agency (UK) *ibid*.

¹⁵⁶ The UK 2023-2026 Economic Crime Plan *ibid*.

¹⁵⁷ Norton Rose Fulbright, 'Regulation Tomorrow' <https://www.regulationtomorrow.com> accessed 27 August 2025.

¹⁵⁸ Norton Rose Fulbright, 'Regulation Tomorrow' *ibid* (n 157).

observe resource and coordination setbacks, the UK authorities, habitually, secure high-value asset recoveries and maintain transparency through prosecutorial statistics.¹⁵⁹

4.6.2 Canada

Canada's economic crime justice system, equally, integrates robust laws and agencies. The Canada Criminal Code¹⁶⁰ contains general fraud and bribery offences; the Corruption of Foreign Public Officials Act, 1999 (Canada) (CFPOA),¹⁶¹ for extraterritorial bribery; and the anti-money laundering regime managed pursuant to the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, 2000 (Canada) (PCMLTFA)¹⁶² and enforced by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC),¹⁶³ and Royal Canadian Mounted Police (RCMP)'s¹⁶⁴ Integrated Market Enforcement Teams (IMETs)¹⁶⁵ and other Financial Crime units. Specialised prosecutors in the Public Prosecution Service of Canada are in charge of major financial crimes, mostly, at the federal courts.

Canada has, also, ensured corporate transparency through the enactment of the Canada Business Corporations (Amendment) Act, 2023,¹⁶⁶ which amended the Canada Business Corporations Act, 1985 (CBCA),¹⁶⁷ by establishing the first-ever federal publicly searchable registry of beneficial owners of companies incorporated pursuant to relevant federal laws, aimed at increasing corporate accountability and preventing illicit financial activities, such as money laundering, tax evasion and insider abuses.¹⁶⁸

Unlike Nigeria's scattered and largely uncoordinated strategy, Canadian entities, such as banks, Crown corporations and regulators are made to adhere to uniform anti-money laundering rules, with attending severe penalties for non-compliance.

In addition to the foregoing, both the UK and Canada have invested and are still investing in training and institutional safeguards. Judges, in both jurisdictions, receive training in financial crime; prosecutors coordinate through national protocols; and independent oversight is ensured. Importantly, neither of the countries avails the sitting heads of state with immunity from prosecution for corruption. Regardless, their frameworks are not impeccable as there exist criticisms but they still show a concerted, whole-of-government stance: clearer statutes, effective inter-agency collaboration, and accountability, on the part of both individuals and corporations.

In comparison, Nigeria's economic crimes system lacks many of these features available in the jurisdictions under reference. Nigeria just, recently, introduced mandatory beneficial-owner

¹⁵⁹ CPS, 'CPS Economic Crime Strategy 2025 - two years progress report' <https://www.cps.gov.uk/publication/cps-economic-crime-strategy-2025-two-year-progress-report> accessed 5 September, 2025.

¹⁶⁰ Criminal Code (Canada) *ibid*.

¹⁶¹ CFPOA (Canada) *ibid*.

¹⁶² PCMLTFA (Canada) *ibid*.

¹⁶³ FINTRAC *ibid* (n 101).

¹⁶⁴ RCMP *ibid* (n 121).

¹⁶⁵ IMETs *ibid* (n 125).

¹⁶⁶ Canada Business Corporations (Amendment) Act, 2023 (Bill C-42 (44-1), which received Royal Assent on 1 November, 2023.

¹⁶⁷ CBCA, 1985 (RSC, 1985, c C-44).

¹⁶⁸ Open Ownership, 'Canada Passes Law to Create Public Beneficial Ownership Register' <https://www.openownership.org/en/news/canada-passes-law-to-create-public-beneficial-ownership-register/> accessed 5 September, 2025.

registries at subnational levels; it does not criminalise ‘failure to prevent’ offences; its anti-money laundering system has been, repeatedly, critiqued by the Financial Action Task Force, an inter-governmental organisation that develops policies to address money laundering, terrorist financing and any other financial crimes. Institutional independence is also weaker in Nigeria; for example, the EFCC and ICPC leaders do not have fixed office tenure or complete protection from political recall. The UK and Canada have shown how harmonised legal structures and empowered agencies can secure stronger responses to economic crimes. Nigeria’s defects become glaring, deriving from the foregoing comparative endeavour, as what is obtainable in Nigeria falls short of the systemised patterns in the other two countries examined.

5.0 Conclusion and Recommendations

5.1 Conclusion

Nigeria’s struggle against economic and financial crimes is hindered, not by the absence of laws, but by defects in how the country’s criminal justice system is designed and operated. This paper has portrayed how Nigerian courts and agencies suffer fatal structural and procedural shortcomings. Political meddling and overlapping authorities limit the sovereignty of the EFCC and ICPC. Judicial corruption and slow trials sabotage accountability; and constitutional immunities for the most powerful public office holders leave many crimes, successfully, beyond reach. Doctrinal loopholes, such as plea bargaining and ambiguous statutes, weakens the strength of enforcement. In contrast, the comparative examples of the UK and Canada show the benefits of a uniformed framework of lucid offences and enabled specialised enforcement agencies.

Alleviating the defect in Nigeria’s economic crime justice will require systemic amendments. Nigeria must, therefore, as a matter of necessity, chase after legislative amendments, in order to seal the loopholes, support institutional autonomy and strengthen procedures. Also, practical measures, such as improved funding, capacity-building, and integrity safeguards are necessary. It is only when such a detailed strategy is adopted will Nigeria be able to make progress towards the achievement of a fulfilling economic crime and that is why Buhari, repeatedly, said: ‘if we [do not] kill corruption it will kill us’.¹⁶⁹ This figurative killing requires changing Nigeria’s anti-corruption authorities and the courts into effective, unbiased machineries of justice, devoted not to protecting the elites, but to promoting and protecting the rule of law.

5.2 Recommendations

In order to remove the deficiencies in the Nigerian economic crimes justice administration identified in this work, Nigeria needs a thorough overhaul on several fronts. Relying on the comparative perspective and local expertise, the following strategies are suggested:

5.2.1 Legislative Reforms

¹⁶⁹ See, for instance, Jimiota Onoyume, ‘If we don’t kill corruption it will kill us, says Buhari’ (*The Vanguard Newspaper*, 12 March, 2015) <https://www.vanguardngr.com/2015/03/if-we-dont-kill-corruption-it-will-kill-us-says-buhari/> accessed 5 September, 2025. Muhammadu Buhari was Nigeria’s Military Head of State from 31 December, 1983 to 27 August, 1985 and the country’s civilian President from 29 May, 2015 to 29 May, 2023.

First, Nigeria should, as a matter of necessity, either delete or narrow down the constitutional immunity in section 308 of the 1999 Nigerian Constitution. As Babatunde and Filani, rightly, observed, immunity, as entrenched in the Constitution, permits top officials to escape accountability.¹⁷⁰ It is either the Constitution is amended to remove the immunity clause totally, or to provide an exception to the immunity clause regarding where the officials are found to be corrupt.

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Also, anti-corruption statutes should be amended to close loopholes and specify fixed terms for heads of anti-corruption agencies, so as to reduce political interference. Adoption of mandatory corporate compliance programmes synonymous to the UK's 'failure to prevent' offence regime, should be considered, in order to encourage private sector's accountability. The provisions on plea bargaining and asset forfeiture should also be made stricter and an assurance as well as mechanisms for ensuring transparent and fair deals should be put in place through legislation.

5.2.2 Institutional Reforms

The independence and capacity of the anti-corruption and enforcement bodies should be strengthened. Constant and adequate funding is paramount. The respective agencies and the Nigerian Police Financial Crime Units should, as a matter of necessity, have forensic experts, functional computers, and trained personnel. These personnel are recommended to be technology- compliant and up-to-date. Creating an anti-corruption court for economic crimes, as recommended and observable from compared jurisdictions, would ensure that only experts handle economic crimes cases and expedite the processes.

Furthermore, Nigeria's economic crime system, already, has a Witness Protection Act, but it should be fully incorporated into the practice so that whistleblowers and potential witnesses will testify, safely, without fear of "comeback". Inter-agency collaboration should be established through formal Memorandum of Understanding(s) and collective training, reducing territorial strife and disagreement.

Also, the respective mandates of the various anti-economic crimes agencies should be, clearly, delineated and each agency should be made to concentrate on its clear mandates. For instance, EFCC might be saddled with the responsibility of focusing on corruption and the other agencies may be encouraged to handle secondary and ancillary matters. Also, a mechanism for effective collaboration among the various agencies should be encouraged.

5.2.3 Procedural Reforms

On the part of the Judiciary, there should be an extensive and detailed anti-corruption training for judges and prosecutors, centering on financial evidence and intricate investigation procedures. Judicial nomination criteria should include proven integrity to downsize bribery. Case management restructurings, such as strict schedules, e-filing, and monitoring, can lessen delays and should be adopted. Bail laws may need clamping, especially, for economic offenders who have means to jump bail by imposing stricter bail conditions.

¹⁷⁰ IO Babatunde and AO Filani, 'The Economic and Financial Crimes Commission and Its Role in Curbing Corruption in Nigeria: Evaluating the Success Story So Far' *ibid* (n 27).

In the prosecution procedure, Nigeria could adopt the Canada Financial Crime Co-ordination Centre strategy, by establishing a national prosecutorial task force that supervises invaluable cases in all the anti-corruption agencies. Asset recovery procedures should be optimised in order to conserve more proceeds of crime. Transparency is also essential. Nigeria should publish, annually, the data on economic crime prosecutions and recoveries, in order to permit public evaluation and probe, as obtainable in the UK.

5.2.4 Systemic and Cultural Reforms

There should be a national orientation programme bordering on national rebirth and a major shift in the country's orientation on value system seeing given that corruption is so endemic in the country. Even the smallest unit in the country, that is, the family, is so rooted in corruption. This also necessitates that expansive leadership reforms will strengthen the legal corrections. Enforcing codes of conduct within the judiciary, with genuine consequences for corrupt judges, is, equally, fundamental.

Anti-corruption education in schools and media independence will assist in building public intolerance for corruption and should be introduced. International alliance and partnership should be prioritised so that Nigeria can pursue absconders and their hidden assets abroad. Regarding the financial sector, persistent reforms, as obtainable in the UK and Canada, such as beneficial ownership registries, at the federal and state levels, will seal the money-laundering routes.

5.2.5 Integrated Strategy

The lacunas in Nigeria's economic crimes management system are interwoven. As such, fixing the legal structure without confronting the corruption in the courts, political meddling, institutional reforms and national rebirth would bring limited progress. An inclusive approach is, therefore, essential by combining doctrinal precision with empowered institutions and organised procedures. For instance, if Nigeria enacts a new law similar to the UK's failure-to-prevent fraud offence, without the courts ready to enforce same and the respective agencies capable of investigating, such a law would be unproductive. Also, improving police training and forensics will only yield results if the courts can preside over cases, impartially. Therefore, reforms and amendments must be simultaneous, in order to align Nigeria's economic crimes management regime, more closely, with best international practices.