



**BONDSMEN
REGULATIONS AND PRACTICE
DIRECTIONS**

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OGUN STATE BAIL BONDSMAN LICENCE

CERTIFICATE OF DISCHARGE OF BONDSMAN

BAIL BOND AND APPLICATION

BONDSMEN REGULATION

In this Regulation and Practice Direction except where the context otherwise requires:

"Bondsman"

means one who guarantees a bond or a surety. He or she also provides written agreement i.e. recognisance to the Court to pay the bail sum in full if the Defendant he guarantees fails to appear.

"Bonds Agent"

means any person, agency or corporation that will act as a surety or pledge money or property as bail for the appearance of a Defendant in Court.

"Bail Sum"

means the money or recognisance entered into by a Bondsman that must be paid or forfeited when a Defendant fails to appear in Court or at the Police Station or when the Defendant violates the conditions of the release.

"Chief Licenced Bondsman"

means the main Agency with whom the Defendant or his representative forms a contract in which the bail bondsman agrees for a fee to act as the Defendant's surety in addition to paying the fee the Defendant agrees to appear in court for all scheduled appearances.

"Certificate of Discharge of Bond"

means that the bond is no longer in force and the bails bondsman or Agent or Agency is no longer responsible to secure the appearance of the Defendant in Court.

"Bondsman Power of Arrest"

means the power of the Bondsman to arrest a Defendant or suspect who is absconding or who is trying to evade or avoid appearance in court. This can only be done if the Bonds man is not able to bring the person arrested before a court within 12 hours of the arrest. He shall hand over the said Defendant to the Court to produce such person before the appropriate Court.

"Category A, B & C Bondsman:"

mean type of permission or scope within which a Bondsman is authorized to carry on business as a Bondsman as contained in page 64.

"Bondsman Administrator"

means a person or Bondsman designated as such by a Committee to be set up by the Honourable Chief Judge.

"Forfeiture"

means the loss or giving up of the bail sum as a penalty for wrongdoing, illegal conduct or failure to appear in court.

"Recognizance"

means a bond by which a person undertakes before a Court observes some condition, especially to appear when summoned. It is a conditional obligation undertaken in writing by a person or Agent or Agency before a Court.

THE ARTICLES

ARTICLE 1: Application

Pursuant to Section 506 of the Administration of Criminal Justice and other Related Matters Laws of Ogun State 2017, these Practice Directions & Regulations are issued for the purpose of Registration and Licensing of individuals and corporate bodies engaged in bail bond business (Bondsmen) and matters connected therewith, within Ogun State of Nigeria.

ARTICLE 2: Registration/Renewal

- (i) All professional bondsmen engaged in bail bond business in Ogun State shall be licensed. A registered bondsman shall have authority to execute bonds throughout Ogun State.
- (ii) Each bail licensee shall annually renew the licence. Each licence shall run for one year from date of grant. The Chief Judge may renew the licence after the applicant has submitted verified summary of transactions with the Court in the previous year. The verification shall be done by the Bondsmen Registrar.
- (iii) The Chief Judge shall determine the number of Bondsmen to be registered each year.
- (iv) The Names of Applicants for Bondsmen Registration shall be made public in the High Court Headquarters Abeokuta and the Ogun State Judiciary Website for comments or objections for fourteen (14) days before Registration.

ARTICLE 3: Bondsmen Registry

- (i) A Central Bondsmen Registry shall be established.
- (ii) The Chief Judge shall appoint a Bonds Administrator to supervise the Central Registry.
- (iii) The Registry shall be under the Office of the Chief Registrar of the High Court and shall be staffed with persons versed in Criminal Justice Administration and other support staff.
- (iv) Each Judicial Division and Magisterial District which shall be under the supervision of Deputy Chief Registrar (Admin.) assisted by the Chief Magistrate (Admin.) of the Division or District as applicable, shall maintain Bondsmen Registers and shall update the Central Registry.

ARTICLE 4: Application Submission Process

- (a) An Applicant is required to submit his Application Form at the Bondsmen Registry within 30 days of collection of the serialized Forms.
- (b) The following documents shall be attached to the Application Form-
 - (i) Certified True Copy of the Memorandum and Articles of Association and Certificate of Incorporation for Corporate Applicants.
 - (ii) Certified True Copy of Form CAC 1 - Particulars of Directors of the Company
 - (iii) Board Resolution granting authority to the Bondsman and acknowledgement of joint and several liability for all the bondsmen's acts and transactions with the Court.
 - (iv) 2 Nos. Passport Photographs of the Applicants (if an individual, and of two Directors if a company) taken within 6 months before the application.
 - (v) Nigeria Police Clearance Certificate with 2 sets of fingerprints of the two hands.

- (vi) Certified Copy of Financial statement in case of a Company or 12 months certified bank statement, for individuals.
- (vii) Three(3) years Tax clearance Certificate for individual applicants, or of the Directors and Principal Officers of the Company for corporate applicants.
- (viii) Receipt for N10,000 (Ten Thousand Naira) Application fee.
- (ix) Recommendation letters from any of the following
 - (a) Recognised Minister of Religion.
 - (b) Civil or Public Servant not below Grade Level 14 in the Public Service of Ogun State or in the Federal Government of Nigeria who has known the Applicant for a considerable length of time.
 - (c) Any other responsible member of the society of unquestionable character and acceptable to the Hon. Chief Judge.

Article 5: Inspection of Records

- (a) A bail bond Agent shall keep at the Agent's place of business the usual and customary records pertaining to transactions made under the license. The licensee shall keep all records as to any particular transaction available and open for inspection at any reasonable business time during the five years immediately after the date of completion of the transaction.
- (b) As a minimum requirement for permanent office records, each bail bond Agent who is engaged in the bond business shall maintain a daily bond register that is, the original and permanent record of all bond or undertakings executed by the licensee which shall state:
 - (1) Date the bond was executed
 - (2) Name of principal
 - (3) Amount of bond
 - (4) Premium charged
 - (5) Premium reported to the surety company
 - (6) Security or collateral received
 - (7) Date the security or the collateral was received and the date released
 - (8) Indemnity Agreements
 - (9) Disposition of the bond
 - (10) Date of disposition
- (c) Each bail bond Agent who is engaged in the bail bond business and who accepts monies or any other consideration for any bail bond undertaking shall for each payment received give to the person paying the monies or giving the consideration a pre-numbered receipt as evidence of payment. The receipt must state the date, the name of the principal, a description of the consideration or amount of monies received and the purpose for which received, the penal, sum of the bond, the name of the person making the payment or giving the consideration and the terms under which the monies or other consideration shall be released. Each bail bond Agent shall retain a duplicate copy of each receipt issued as part of the Agent's record.

ARTICLE 6: Record Retention

All records required herein shall be kept perpetually. If the records are to be kept at a location other than the registered address of the bondsman, such address must be submitted to the Bonds Administrator in writing for approval with a notation of the address where the records are to be maintained.

ARTICLES 7: Prohibitions

- (i) No Person who has been convicted of or is undergoing criminal trial shall be eligible to be licenced or to have his licence as a bail bondsman renewed.
- (ii) A bail bondsman may not participate in the capacity of Attorney at a trial or hearing of one on whose bond he or she is surety.

- (iii) A person shall not begin to operate as a bondsman until he has taken a pre-licencing class that consists of at least 12 hours of classroom study. The training includes responsibilities as a bail agent, state laws, regulations, and what the rights of the defendants are.
- (iv) No Bondsman shall charge more than 10% of the Bail sum, where the bail sum is not more than N2m; or more than 7.5%, where the bail sum is above N2m, provided that no bondsman shall charge beyond a maximum fee of N1m notwithstanding the bail sum. Violation may lead to suspension of the licence.
- (v) Where security is given by a Defendant to a bondsman, the bondsman shall itemize the security in an affidavit and same shall be counter signed by the Defendant before the Commissioner of Oaths. Failure to comply with this requirement amounts to breach of Judiciary duty and may lead to suspension of licence.

ARTICLE 8: Suspension and Revocation of Licence

- (i) Court Registrars shall submit to the Deputy Chief Registrar (Admin.) or Chief licensed bondsmen operating in their court a report of all bonds within their custody. The report shall specify the name of the Bondsman, the case number, the name of the Defendant, the amount of bond, the date of order on the Defendant, the date of order of forfeiture and status of action taken (where applicable).
- (ii) Upon issuance of the order of forfeiture, the Court Registrar shall immediately notify the Deputy Sheriff who shall issue the corresponding writ of execution. The writ of execution shall be forwarded Within 7 days to the Bondsmen who shall pay the obligation in relation to the forfeiture bail bond within 30 days of receipt of the writ of execution. If the obligation remains unpaid after the lapse of 30 days, the Sheriff shall make a levy on the Bail deposit specified in the license and notify the Judge or Magistrate accordingly.
- (iii) A licence is liable to be revoked after three suspensions.
- (iv) A licence is liable to be suspended for a minimum of one year after three violations. The Bondsman must reapply before reinstatement of licence.
- (v) The Bondsman who has applied for the reinstatement of his licence, shall be entitled to a hearing by a Panel to be set up by the Honourable Chief Judge.

ARTICLE 9: List of Professional Bondsmen

The Bondsmen Administrator shall furnish all Court Registrars in all Courts having authority to accept bail, all Prisons, and all Police divisions with the list of the names of all persons registered as Professional bondsmen and shall notify such Registrars, Courts, Prisons and Police divisions of any change in a bondsman's status. The Bonds Administrator shall update the list as necessary, but not less than once a year. The list shall include the following statement in bold type: **“You are encouraged to contact more than one bail bondsmen, charge the same fee or provide the same services”**. The list shall be displayed prominently in all Courts, Prisons and Police Stations.

ARTICLE 10: Lifetime of bonds/Cessation from Bonding Transactions

Without prejudice to the provision of Section 195 of the Administration of Criminal Justice and other Related Matters Law of Ogun State, 2017, the life or duration of any bond shall be from its approval by the Court until the action or proceeding is finally determined.

In the event that the Bondsmen decide to cease from engaging in bonding transactions with the Court, the bondsman shall file a letter to that effect addressed to the Bonds Administrator for the attention of the Chief Registrar with a request for withdrawal of the cash deposit / remaining balance.

If the bondsman is a company, it shall accompany the letter with a Board Resolution.

- (i) The request shall not be approved until there is clearance from all Court Registrars that the Bondsman has no outstanding obligation pertaining to forfeitures.
- (ii) The Court shall issue Certificate of Discharge after the approval.

DATED THIS..... DAY OF,..... 2019

Hon. Justice Mosunmola Arinola Dipeolu, FICMC
Hon. Chief Judge of Ogun State

CATEGORY	AMOUNT
‘A’ LICENCE	N10,000,000.00 and above
‘B’ LICENCE	N5,000,000.00 but not exceeding N10,000,000.00
‘C’ LICENCE	Not Exceeding N5,000,000.00

OGUN STATE BAIL BONDSMAN LICENCE

LICENCE NO.....

THIS LICENCE IS HEREBY ISSUED TO

AS A CATEGORY 'A' BONDSMAN

**BY THE HONOURABLE
CHIEF JUDGE OF OGUN STATE**

**PURSUANT TO SECTION 195(1) OF THE ADMINISTRATION
OF CRIMINAL JUSTICE LAW 2017**

(SEAL, SIGNATURE OF THE HON. CHIEF JUDGE)

DATE OF ISSUE

OGUN STATE BAIL BONDSMAN LICENCE

LICENCE N0.....

THIS LICENCE IS HEREBY ISSUED TO

AS A CATEGORY 'B' BONDSMAN

**BY THE HONOURABLE
CHIEF JUDGE OF OGUN STATE**

**PURSUANT TO SECTION 195(1) OF THE ADMINISTRATION
OF CRIMINAL JUSTICE LAW 2017**

(SEAL, SIGNATURE OF THE HON. CHIEF JUDGE)

DATE OF ISSUE

OGUN STATE BAIL BONDSMAN LICENCE

LICENCE NO.....

THIS LICENCE IS HEREBY ISSUED TO

AS A CATEGORY 'C' BONDSMAN

**BY THE HONOURABLE
CHIEF JUDGE OF OGUN STATE**

**PURSUANT TO SECTION 195(1) OF THE ADMINISTRATION
OF CRIMINAL JUSTICE LAW 2017**

(SEAL, SIGNATURE OF THE HON. CHIEF JUDGE)

DATE OF ISSUE

CERTIFICATE OF DISCHARGE OF BONDSMAN

In the High/Magistrates Court of Ogun State

In the.....Judicial Division/Magisterial District

Charge No.....

STATE/COP
V.
DEFENDANT

Before the High/Magistrate Court of Ogun State in the..... Judicial Division/Magisterial
.....District..... at.....the..... Day

This Court having..... (discharged/convicted/ sentenced/revoked the Bond/replace
the bond) of the Defendant, the Bondsman having met all the obligations posted
by.....(name of bondsman), the Bondsman having applied to be relieved from all
obligations of the bail bond.

It is hereby ordered that the bondsman..... (name of Bondsman) be released of any or
all obligations pursuant to this bond. The Bondsman..... is hereby discharged of all liabilities

Judge/Magistrate

BAIL BOND AND OBLIGATIONS

In the High/Magistrate Court of Ogun State

In theJudicial Division/Magistrate District

Charge No
STATE/COP
V.
DEFENDANT

Bond Amount/Conditions.....
Summary of Offences.....
(include any amendments)

BOND OBLIGATIONS AND CONDITIONS

The Bondsman..... hereby agrees and acknowledges that he/she/they is/are indebted to pay to the High/Magistrate Court of Ogun State the Bond Amount if Defendant fails to personally appear in Court at such times and on such dates as specified by the Court to answer to the charge identified in this Bond, including any amendments of this charge.

Provided, however that the obligation of the Surety may be discharged upon the happening of any of the following events:

1. The dismissal of the charge(s)
2. The finding or verdict that Defendant is not guilty
3. The sentencing of Defendant with respect to the charge(s)
- 4, The order of the Court revoking the bond on application by the bondsman
5. Any other condition approved by the Court.

Signature of the Bondsman

.....
Commissioner for Oaths