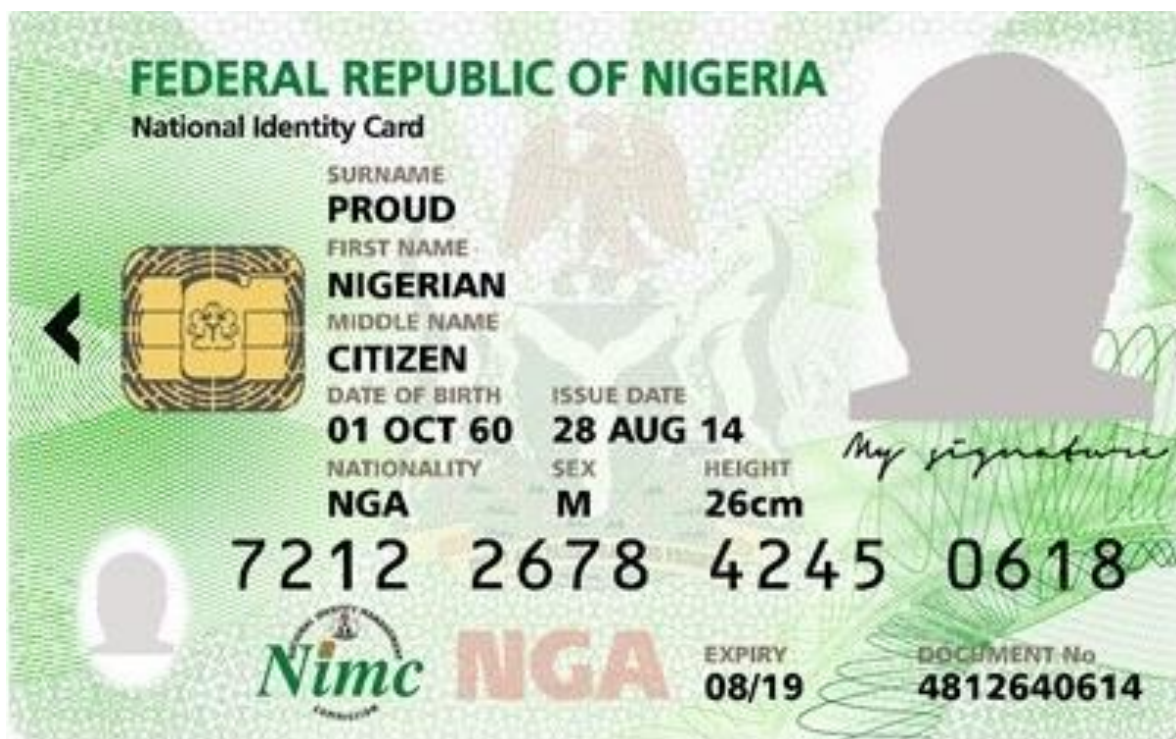


THE MANDATORY USE OF THE NATIONAL IDENTIFICATION NUMBER REGULATIONS, 2017



The Mandatory Use of the National Identification Number Regulations, 2017

Very recently, the National Identity Management Commission (“NIMC”) which is established under the National Identity Management Commission Act, 2007 (the “Act”) released the Mandatory Use of the National Identification Number Regulations, 2017 (the “Regulations”). The Regulations which were made and issued pursuant to the Act have far-reaching effect on the day-to-day activities of every Nigerian and every person residing in Nigeria. The effects are so comprehensive that a person could be barred or prevented from carrying out a wide-range of business related or personal activities until such person obtains and provides a National Identification Number (“NIN”) issued by the NIMC.

WHAT IS THE NIN

The NIN is a set of unique numbers assigned to each registrable person upon a successful enrolment into the national identity database. The Act defines a registrable person as any person who is a citizen of Nigeria; any person, whether or not he is a citizen of Nigeria, who is lawfully and permanently resident in Nigeria; and any non-citizen of Nigeria who is lawfully resident in Nigeria for a period of two years or more.

REGISTRATION FOR NIN

The registration by a person to obtain his/her NIN is a continuous process and there is no time frame within which a person must be registered to obtain a NIN. However, given the penal consequences and restrictive effects of not obtaining a NIN, it is advisable that registrable persons obtain their NINs as quickly as possible. The NIMC has set up registration centres in major locations in all the States of the Federation including the Federal Capital Territory.

THE MANDATORY USE OF THE NIN AND CONSEQUENCES OF NON-REGISTRATION

Section 30(1)(a) of the Act makes it an offence for a registrable person not to register and obtain the NIN. In addition, the Regulations provide that a person would require or must provide his/her NIN in order to carry out certain transactions broadly categorized for ease of reference as follows:

Financial Services

The scope of this category includes operating a bank account; cashing in on financial instruments; purchase and sale of foreign currency in banks and bureaux de change; documentation for loans; registration and licensing of security companies; purchase of insurance policies and tax identification.

Corporate Services

This covers acquisition, sale or transfer or transmission of shares or equities and other financial instruments; registration of companies, sole proprietorships, partnerships and non-profit organizations and other post-incorporation documentation with the Corporate Affairs Commission.

The Judicial Process

Filing of criminal and civil actions in courts or other arbitral processes and documentation of arrested and convicted persons.

Property transactions

All transactions involving the acquisition, use or transfer of land or landed properties including tenancies.

Travel and hospitality and health care

This includes purchase of travel tickets or tokens for air, rail, road and water transportation; boarding of aircrafts, trains, commercial vehicles, ships and boats; hospitality services; licensing for and use of health or medical services; registration for the issuance of travelling documents; provision of consular services and issuance of driver's licence.

Communication and information technology

Purchase and registration of telephone SIM Card and other communication devices; licensing of telecommunication vendors; registration and licensing of cybercafé operators and verification of users of cybercafé services.

Purchase of aircrafts and motor vehicles

Purchase and registration of aircrafts, ships, boats, motor vehicles and motor cycles including change of ownership thereof.

Other commercial activities

Import and export of products, commodities or goods; licensing and registration of clearing and forwarding agents; any transaction, contract or agreement for a valuable consideration and for the transfer of any interest, tangible or intangible; and application for or bidding for any Local, State or Federal Government jobs or contracts and executing any contract or business agreement.

Education

Enrolment or registration for internal and external examinations with educational and examination boards; enrolment into primary, secondary and tertiary schools and continuous professional studies in Nigeria; registration and eligibility for bursary and other social benefits and registration and membership of professional bodies.

Employment

Recruitments for temporary and permanent employment; payment of emoluments; registration or documentation of pensioners.

Birth documentation and other sundry services

Issuance of birth certificates; identification and registration of refugees and internally displaced persons; adoption of an infant; eligibility and documentation for provision of welfare services by government agencies and other non-governmental institutions; registration for pilgrims or provision of pilgrims services; registration of voters; obtaining and processing of probate documents;

ENFORCEMENT OF THE REGULATIONS

The NIMC is empowered to ensure strict compliance with the NIN requirement and can demand evidence of compliance from a person or entity; caution a non-compliant person or entity in writing; sanction a non-compliant person or entity by the imposition of administrative fines or institute criminal or civil actions against the non-complaint person or entity.

CONCLUSION

Although the regulations appear to have taken effect, in reality given the huge number of people yet to be registered and the attendant problems with the logistics of enforcement, it is not likely that the NIMC will begin immediate enforcement. Notwithstanding, in view of the wide potential implications of noncompliance and for the convenience of transactions for which the NIN has now become mandatory, it is advisable for every registrable person to take steps to register in compliance with the Act. While it is important for individuals, corporates should also take immediate steps to ensure that their directors and management teams obtain registration so as to ensure that their daily operations are not adversely affected by such non-registration.

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