

Bank Charges

Role, Responsibilities and Right

February 2017



1599-8842 Vol.1 No.155

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On April 21, 2017, the Central Bank of Nigeria (CBN) issued its Guide to charges by Banks and Other Financial Institutions in Nigeria". The guide according to the CBN "provides for charges on various products and services that banks, other financial institutions and mobile payment operators offer to their customers."

Following the release of the Guide customers have raised concerns regarding the charges stipulated, while questioning the intent of the CBN on whether it is really in the business of regulating or assisting banks to make more money for themselves at the expense of customers.

Experts also concluded that excessive charges as well as the lack of transparency and timely communication by banks to customers was detrimental to the successful drive for financial inclusion.

Nevertheless, increasing competition with numerous alternatives within the industry as well as activities within the Fintech space appears to offer a way out for the financial savvy that can easily opt out when the services offered by a bank is becoming unbearable. The CBN in response to the concerns raised has reiterated that the guide reflectsdevelopments within the economy and the financial market, and it had "in the quest to provide a strong voice to banks' customers and moderate the arbitrary charges established its Consumer Protection Department in 2012."

Other bodies such as the Consumer Advocacy Foundation of Nigeria (CAFON) and the Bank Customers Association of Nigeria (BCAN) have continued to advocate for customers rights, while these concerns have presented opportunities for consulting firms to benefit from the reviewing of bank charges and interest on loans - all in an attempt to alleviate the burden customers have to bear.

The continuous groaning against excessive charges and more has thus drawn our attention to the quest to understand the place and essence of bank charges, why they have to occur, how it works, what the law says concerning same and the opportunities and developments inherent in dealing with customers concerns. We also sought to examine the role of the CBN in providing guidance, the fiduciary responsibilities of banks and the rights of customers as this willfurther beam light on the issues surrounding the subject matter while encouraging all concern to ensure necessary measures are taken regarding their dealings with banks from the point of opening an account to maintaining same and dealing with complaints.

Understanding the Place and Use of Bank Charges

Banking just like any business comes with associated costs and challenges. A cursory review of the income and expense statements of Nigerian banks show that expense on electronic products, fuelling and maintenance of operations in various locations account for 10 - 20% of its operating expenses, just as fees and commissions account for 10 - 20% of Gross Earnings.

In addition, banks in accordance with Basel III - an international regulatory framework for the regulation, supervision and risk management of the banking sector, and the Central Bank of Nigeria's requirements are expected to maintain certain capital and liquidity positions to guard against the risk of financial shocks.

The cost of running banking operations as well as the regulatory requirements stipulated are thus the main reasons why banks have to charge, since they are not running a "not-for-profit making" organization. This notwithstanding is not enough to allow banks exploit customers.

What the Law Says

The Central Bank of Nigeria Act 2007 specifies in Section 33 sub section 1b that "In addition to any of its powers under this Act, the Bank may issue guidelines to any person and any institutions under its supervision." This implies that the CBN can offer guidance on any matter of concern as it relates to financial institutions within the country.

The CBN in providing guidance thus commenced the publication of the Banker's Tariff now popularly called the "Guide to Bank Charges" in 2004 with the intent of "providing a standard for the application of charges on various types of services rendered to customers by bank."

The Guide which replaces the existing Bankers Tariff and is subject to periodic reviews and updates in line with changes within the business environment includes ten (10) sections namely:

- 1. Interest on Deposits
- 2. Interest Rates/Lending Fees
- 3. Commission on Turnover now Account Maintenance
- 4. Commission on Bonds, Guarantees & Indemnities, etc

- 1. Foreign Exchange Commission
- 2. Bills for Collection
- 3. Straight Forward Handling of Documents
- 4. Inward & Outward Letters of Credit
- 5. Internal Transaction and Electronic Banking

Some specific changes observed between the 2017 and 2013 Guide are as presented below:

Some specific changes observed between the 2017 and 2013 Guide are as presented below:

	2013 Minimum of 30% of MPR per annum	2017 Minimum of 30% of MPR per annun
Interest on Savings Deposit	with no withdrawal condition.	Though not applicable if the Custome makesmore than 4 withdrawals in
Local Currency Loans	Notification of changes in agreed date	month Notification of changes in agreed dat
Local Currency Loans		should be sent 10 business days
	advance of application date	advance of application date
Current Account Maintenance Fee (CAMF)		Negotiable subject to a maximum of N1pe
	Turnover (COT). It was also	mille
	negotiable subject to a maximum of N3per mille in 2013, N2 per mille in	
	2014, N1 per mille in 2015 and COT-	
	Free in 2016	
Cheque Books	Full recovery of costs plus stamp duties	Cost recovery
Counter Cheque	N200 per leaflet	N50 per leaflet
Performance bond	Negotiable subject to a maximum of	Negotiable subject to a maximum of 1%
	2% of the	the
(chargeable from date of	Bond value (one-off charge)	Bond value (one-off charge)
contingent liability) Other Bonds, Guarantees and Indemnities	Negotiable subject to a maximum of	Negotiable subject to a maximum of 1
סמוכי שטוועס, סעמו מוונכיס מוע ווועפווווועפא	2%, minimum of N5,000 (one-off	(one-off
	charge)	charge)
Domiciliary Accounts withdrawals	Negotiable subject to a maximum of	0.05% of transaction value or \$1
	0.05% of transaction value for current account but free for savings account.	whichever isLower (for savings ar current account)
	account but nee for savings account.	current account)
Form M Processing		N3,000 in addition to maintenance fee o
	N5,000	e-Form
		platform in line with CBN directive
Bank Draft for non-customer	N500 + COT	N500 + 0.1% of Draft value
Charge paid by non-account	0.3% of the Value of the Transaction	N200 flat
holders for initiating cash transactions		
(e.g. local money transfer,		
Prepaid Card loading),		
subject to maximum daily		
limit of N20,000		
Processing fee for the Purchase/sale of	0.125% on the yield	N100 flat
Treasury Bills for sustained		
		NEO
	N70 - Below N500.000; N100 -	N50
	N70 – Below N500,000; N100 – Between N500,000 & N10,000,000;	1420
Electronic Funds Transfer	Between N500,000 & N10,000,000; N500 – above N10,000,000	N20
Electronic Funds Transfer	Between N500,000 & N10,000,000;	N700
Electronic Funds Transfer RTGS	Between N500,000 & N10,000,000; N500 – above N10,000,000	N700 Cost recovery subject to a maximu
Electronic Funds Transfer RTGS	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550	N700 Cost recovery subject to a maximu charge of
Electronic Funds Transfer RTGS Hard Token	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550	N700 Cost recovery subject to a maximu
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge)	N700 Cost recovery subject to a maximu charge of N3,500
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge)	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mom
Bills for customers Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used No charge within the bank. N65 after th third withdrawal within the same
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Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions SMS alert (Mandatory)	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved Independent ATMs	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used No charge within the bank. N65 after th third withdrawal within the same Month; No charge on approved Independent ATMs Not more than N4/SMS (fees on alerts a restricted
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions SMS alert (Mandatory) However, where a customer	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved Independent ATMs	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used No charge within the bank. N65 after th third withdrawal within the same Month; No charge on approved Independent ATMs Not more than N4/SMS (fees on alerts a
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions SMS alert (Mandatory) However, where a customer opts not to receive sms alert, the	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved Independent ATMs	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used No charge within the bank. N65 after th third withdrawal within the same Month; No charge on approved Independent ATMs Not more than N4/SMS (fees on alerts a restricted
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions SMS alert (Mandatory) However, where a customer opts not to receive sms alert, the customer should issue an indemnity (for losses that may	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved Independent ATMs	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used No charge within the bank. N65 after th third withdrawal within the same Month; No charge on approved Independent ATMs Not more than N4/SMS (fees on alerts a restricted
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions SMS alert (Mandatory) However, where a customer opts not to receive sms alert, the customer should issue an indemnity (for losses that may arise as a result) to the bank.	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved Independent ATMs N4 subject to NCC directives	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mom card is used No charge within the bank. N65 after th third withdrawal within the same Month; No charge on approved Independent ATMs Not more than N4/SMS (fees on alerts a restricted to only customer-induced transactions).
Electronic Funds Transfer RTGS Hard Token Foreign Currency Denominated debit/credit cards Debit Card maintenance charge ATM Transactions SMS alert (Mandatory) However, where a customer opts not to receive sms alert, the customer should issue an	Between N500,000 & N10,000,000; N500 – above N10,000,000 N550 Maximum of N1,500 (one-off charge) N3,000 per annum N100 annual charge No charge within and on other banks, N150 on approved Independent ATMs	N700 Cost recovery subject to a maximu charge of N3,500 \$20 per annum N50/Month, applicable only to mon card is used No charge within the bank. N65 after th third withdrawal within the same Month; No charge on approved Independent ATMs Not more than N4/SMS (fees on alerts a restricted

The Practice

In the Nigerian banking industry, the practice observed is that banks advertise one figure in other to attract customers to bank with them and end up charging another figure when the customer starts transacting with them. In addition, it is the fiduciary responsibility of banks to communicate changes, caveats and options available to customers but our banks rarely do so as they tend to lean on the ignorance of customers to make more money.

Types of Bank Charges

The main charges approved under the CBN's Guide of 2017 as it relates to most accounts held by customers include:

1. Account Maintenance Fee: This fee is paid mostly on current accounts for effective management.

2. Transactional Charges: These are charges paid when banks assist in carrying out specific transactions such as loans, printing of account statements, transferring foreign currency, etc. Some of these charges include:

i. Charges on Overdrafts: These charges are levied when a customer overdraws an amount beyond his credit balance. i. Foreign Exchange transaction charges: These are charges made on transactions done in foreign currency.

ii. Charges on Handling documents: Fees paid for cheque booklet, printing of statements, etc fall under this category.

Electronic Banking Charges: As banks introduce electronic products and digital channels to enhance easy transactions, they charge for same in so as to recoup the monies spent in facilitating and maintaining the service. Some of these charges include Token Fee, Card issuance and maintenance fee, Funds Transfer Charges and Automated Teller Machine (ATM) transaction charges.

How this works

During our research we sought to know the approved charges on our current account. United Bank for Africa (UBA) was the only bank that gave detailed response to our request as shown in the table below, while other banks including Zenith, Access, FirstBank, Skye Bank and Sterling Bank only made reference to the N1/mille account maintenance charge, adding that transactions made determine the charge deducted.

S/N	Caption	CBN Guide	UBA
1	Electronic fund transfers (i.e. Interbank Fund Transfer/Send Money to Another Bank)	N50	N52.50 for Internet Banking, Mobile Banking, EmailMoni, USSD, Chat Banking, Business Direct & NIP/NEFT @branch
2	Naira-Denominated Card Maintenance Fees	N50/Month, applicable only to month card is used	N50/month
3	Maintenance charge + Vat	N1.00 per mille	N1.00 per mille + vat
4	SMS Alert	Not more than N4/SMS(Based on customer Induced transactions)	N4.00 per SMS (Based on customer Induced transactions)
5	Stamp Duties	Not Specified	N50 per inflow

From the above we can deduce that some banks still charge for stamp duties and they charge more for Electronic Funds Transfer contrary to the CBN's guide. Meanwhile, there appears to be no uniformity in what customer service/relationship managers consider bank charges thus it will be difficult to give clarity about same to a customer.

As advised by Bolu Ojewole, LL.B, "There is no legal basis for the continued deduction as at today because the decision in the Kasmal Case remains binding until the Supreme Court sets it aside. Customers are at liberty to write to their Banks and also enclose certified true copy of the decisions of the Court of Appeal and Federal High Court in the Kasmal Case and Shoprite Cases, respectively. In the event that the Banks do not desist from making the Deduction, Customers can initiate an action against NIPOST, the Banks and CBN seeking for the Deductions to abate in addition to seeking a refund of all Deductions."

Comparative Examples from other Clime

In the course of our research, we reviewed the practice in other climes such as the United States of America, A summary of our findings is detailed below. the United Kingdom and India.

Country	The Practice
	Banks are regulated at the State and Federal Level. There is no federal law regulating fees and charges for banking services. However, seven states have enacted legislation to authorize their state banking authorities either to monitor fees and charges imposed by banking institutions, and if necessary, to regulate them or to require banking institutions to provide low cost accounts for the public.(<i>Jackie,Vicky</i> 2001 in Protection for Banking Consumers in the United Kingdom and the United States of America: Fees and Charges)
US	In addition, there are various Acts that guide the operations of banks. For instance, the Truth in Savings Act (TISA) of 1991 implemented by Regulation DD was established to ensure uniformity in disclosing terms and conditions regarding interest and fees when giving out information and when opening a new savings account, while the Truth in Lending Act (TILA) of 1968 implemented by Regulation DD was designed to promote the informed use of consumer credit, by requiring disclosures about its terms and cost to standardize the manner in which costs associated with borrowing are calculated and disclosed.
	Also, the Expedited Funds Availability Act (EFAA) of 1987, implemented by Regulation CC, defines when standard holds and exception holds can be placed on checks deposited to checking accounts, and the maximum length of time the money can be held, while the Electronic Fund Transfer Act of 1978, implemented by Regulation E, established the rights and liabilities of consumers as well as the responsibilities of all participants in electronic funds transfer activities.
UK	The Financial Services Authority (FSA) regulates the Financial Services Industry in the UK. There is no statutory regulation of banks' fees and charges. Banks and building societies comply with the Banking Code on a voluntary basis, but the Code does not regulate banks' fees and charges; it only demands that banks must act "fairly and reasonably" in all dealings with their customers.(Jackie,Vicky 2001 in Protection for Banking Consumers in the United Kingdom and the United States of America: Fees and Charges)
India	The Ministry of Finance, GoI, with the Reserve Bank of India ("RBI"), regulates the banking sector in India. Though there are no regulations on bank charges, banks are required to make full disclosure all their charges on their website and the RBI has a dedicated page for same for all banks. Following the increase in charges by major banks (ICICI Bank and HDFC Bank) in recent times, in order to encourage digital banking; a member of the All India Banks Depositors' Association have called for the regulation of fees and charges imposed by banks in the country.

The countries reviewed above have no specific regulation guiding levying of fees and charges. However, legislations to protect consumers and ensure adequate disclosure have been enacted.

Concerns

The gradual re-emergence of the Nigerian middle class has given rise to a class of knowledgeable customers. Their benchmark for service quality has also risen, aided by the intense competition among financial service providers to attract new customers. This has led to gradual increase in the products and services offered by banks (especially through e-banking channels); and as the services offered increase, charges become numerous and uneasy for customers to track. Though, banks tend to offer numerous channels and products for the banked to remain in the system and convert the unbanked to seek banking services, majority are discouraged by high charges associated with this service and tend to move from bank to bank or perhaps put their money in other safe haven.

Customers Concerns and Shared Cases

Following the issuance of the Central Bank of Nigeria (CBN)'s Guide to Bank Charges on April 21, 2017, there has been public outcry against the CBN's directive. Specifically, the aspects of the guide that created a lot of controversies include:

• The N50 charge for Electronic Funds Transfer below N10, 000,000 or and above as against the N105 being charged by banks for such services.

• The N50 monthly charge for naira denominated debit card whether or not the card is used, distinct from the existing N65 charge after the third withdrawal within the same month.

• A N4,200.00 per-annum charge on foreign currency denominated cards as maintenance fee. • A maximum charge of N20 per page for any special request for statement of account in a manner other than agreed on mandatory issuance as opposed to N50 and N63 (over 50 per cent) which most banks currently charge their customers.

• A Current Account Maintenance Fee (CAMF) which should be negotiable subject to a maximum of N1 per N1 million.

• An increase in the charge on returned cheques due to insufficient funds. Cheques valued for amounts N500,000.00 and below attracts a charge of N5000.00 flat, while a 1% charge is applied on cheques valued for amounts above N500,000.00.

The interest rates on deposits stipulated in the guide are mostly negotiable between the banks and their customers but banks rarely notify customers that such negotiation option exists.

According to experts who spoke on the subject matter, the time frame for the guide to take effect (May 1, 2017) was too short and no adequate notice was communicated by the bank to customers regarding changes in charges. In addition, it was said that the charges imposed are high and indeed detrimental to the successful drive of the financial inclusion initiative, as many would rather remain unbanked than deposit with the banks.

Penalties for failure to maintain the monthly minimum balance when a customer has not been duly informed about same upon opening the account; limiting withdrawals at Automated Teller Machines (ATM) to N20,000 as against N40,000 maximum in other to take advantage of the N65 charge after 3 free withdrawals; and Stamp duty deduction even after the Court has ruled against same were also raised as disincentives to banking.

According to some customers that shared their experiences with us, the following was identified as reasons that make customers consider the actions of banks exploiting: 1. They know banks use their money to make more money Charging fees for services provided is one way banks earn their money. The other ways bank earn their money are through investments in the Financial Market which forms trading income and through interest on lending which forms part of its interest income.

The financial savvy customer understands that his deposits in a bank are not idle, as it actually works for the bank to yield more money. Therefore, it is expected that the charges on his account are reasonable enough for him to afford or nonexistent.

2. Low interest rates on deposits

Bank Charges are higher when compared to the interest paid on deposits.

If a customer who gets a deposit of N10,000.00k credited into his account earns 4.2% interest per annum on his deposit, the interest on the amount saved will be N35.00k for the month, whereas N54.00k would have been debited by the bank for SMS and maintenance charge; thereby leaving the customer N19.00k worse off.

Well, we can say this is the cost of transacting with the bank but in a case where there are about 1,000,000 customers with this same scenario, a whooping sum of N19million has been made freely by the bank.

According to the CBN's guide on bank charges, some interest rates and charges are negotiable. However, banks will rather charge the maximum amount than notify customers of the options available.

These days, some banks send promotional messages to notify customers about the various banking channels or products available that will keep you consistent in the use of their service. They however do not use that medium to notify customers of new charges to account or send alerts when you are about to exceed your minimum balance. This further makes customers wonder if being a bank customer is actually to make them better off or worse off.

4. Poor customer service

As long as banks charge for the service they offer, the minimum expectation therefore is that all the channels and means of interacting with the bank are good enough and available whenever the client needs the service. Should a bank delay more than 24 hours to meet a customer's need or rectify his/her challenge regarding a transaction the bank has failed.

If banks will therefore continue to charge high, the services offered must be commensurable to the charges. This is the reason why customers keep seeking alternatives either within or outside the banking sector.

5. No additional benefits beyond saving

Beyond, keeping monies in savings account, customers also desire ways to make more money and/or multiply the money they already have. It is thus discouraging when banks tend to reduce a customer's balance instead of maintaining same or assisting in ways to increase such balance.

The alternative products offered by banks in most cases come with time limit or are with high requirements that customers are unable to meet. A customer is thus curious as to whether or not the additional benefits/services offered are meant for them or actually a "show off" to guard against the accusation of doing less.

Review of Case Law

Globally there have been allegations against banks unfair practices especially as it relates to excessive bank charges. Nigeria is not left out of this public cry which is now the focus of this report. The most recent and relevant cases to the subject matter are the Kamal and Shoprite case where disputes arose as a result of the deduction of Stamp Duties. The case and decision of the judiciary are as presented below.

Date	Case	Decision
March 13, 2017	Retail Supermarkets Nigeria Limited v Citibank Nigeria Limited &Anor ("Shoprite Case")	The CBN Circular dated January 15, 2017 which directed that all deposit money banks to deduct ¥50 from every deposit of over ¥1,000 made into bank accounts and remit the Deduction to the Nigeria Postal Service ("NIPOST") was set aside and declared invalid, null and void. The Federal High Court also issued a Perpetual Injunction restraining the CBN and the 1st defendant from taking any step to or further implementing the Circular.
April 21, 2016	Standard Chartered Bank v Kasmal International Services Limited & 22 Ors [CA/L/437A/2014] ("Kasmal Case")	Based on the provisions of the Stamp Duties Act, there is no provision authorising the deduction and remittance of this N50 stamp duty on deposits.

Role, Responsibilities and Rights regarding Bank Charges

The Role of CBN in providing guidance

The CBN through its Financial System Stability Directorate is responsible for the development and implementation of policies & regulations aimed at ensuring financial system stability.

The Directorate accomplishes its mandate through four departments namely the Banking Supervision Department, Consumer Protection Department, Financial Policy and Regulation Department and Other Financial Institutions Supervision Department.

As part of the objective of the CBN to promote a sound financial system in Nigeria, it is expected that the apex bank provides guidance on the operations of banks in their dealings with customers. The CBN in a bid to achieve this and provide guidance engages in the following: • Ensure its Consumer Protection Department educates consumers on their rights and banks on their responsibilities to consumers

• Develop and implement an effective consumer protection framework that promotes consumer confidence in the financial system

• Commenced the release of the "Guide to Bank Charges"

• Bridges the gap between consumers and banks when there are conflicts.

• Acts as a body to penalize banks that fail to comply with its directives.

The CBN in developing the Guide to Bank Charges has said it carries out wide consultation with relevant stakeholders. We can only hope that beyond the banks and other financial institutions that it supervises, the CBN seeks advice from consumer oriented agencies as well.

Bodies other than the CBN's Consumer Protection Department involved in consumer protection and the business of complaint include:

The Chartered Institute of Banker's in Nigeria (CIBN):

The CIBN through itsSubcommittee on Ethics & Professionalism is responsible for developing standard and codes for ethical and professional banking practice, considering complaints from bank customers, the general public and from within the banking system; and the enforcement of decisions approved by the Bankers' Committee.

Consumer Protection Council (CPC)

CPC is a Federal Government Parastatal responsible for educating consumers about their rights, ensuring that consumers interest receive due consideration at appropriate forums and providing speedy redress to consumers complaints.

Bank Customers Association of Nigeria (BCAN)

BCAN is a forum launched to help bank customers address grievances against bank operators and regulators in the course of transacting within the industry.

Consumer Advocacy Foundation of Nigeria (CAFON)

CAFON is a not for profit group dedicated to consumer rights and protection in Nigeria through education and enlightenment, while promoting justice for consumers victimized by fraudulent, abusive and predatory business practices.

The Responsibilities of Banks

The CIBN's Code of Banking Practice describes in detail the duties of banks to its customers. The specifics as it relates to customers include:

1. When opening an account Banks should educate customers on the proper handling of cheque books and other security items. 2. Banks should provide written terms and conditions expressed in simple language, to customers, of the various types of financial services offered by them.

3. Banks should ensure that adequate notice is given to customers about any change in such terms and conditions. 4. Banks are to disclose in sufficient detail the basis of the charges incidental to the operation of their accounts in line with the CBN's Guide to Bank Charges. They are also to make adequate information about changes in the guide to customers.

5. Banks are to inform their customers about the interest that is applied to debit balances on their accounts, the basis on which it is calculated and the timing of the debit.

6. Banks are to inform their customers about their complaints procedures so it is easy for customers to seek redress when necessary.

The Rights of the Customer

As stipulated by the CBN and CPC, Customers have the following rights:

1. Right to be informed: Accurate and timely information on products and services should be provided by financial institutions.

2. Right to consumer education: Customers have a right to knowledge needed to make informed and confident financial decisions.

3. Right to choose: Customers have the liberty to choose and opt out from any service offered by banks.

Meanwhile, according to the CBN Guide "Where a charge is stipulated as "negotiable", banks and other financial institutions are required to draw the attention of customers to their rights to negotiate and the two parties are required to mutually agree on the applicable interest and/or charge via a verifiable means."

In line with this, banks need to do more to improve their day-to-day services, particularly when it comes to being clear about fees and charges.

4. Right to safety: Financial Institutions are to provide safe and conducive banking environment, channels and platforms.

5. Right to confidentiality: Financial Institutions are to protect customers from unauthorised access and disclosure.

6. **Right to redress:** Customers have the right to seek redress, while banking officials are expected to make available efficient redress mechanism for settlement of claims or disputes.

7. **Right to be treated fairly:** Consumers shall be treated fairly regardless of any complaint and dispute already existing between them, their financial knowledge or status, physical ability, age, gender, tribe or religion. However, subscription to certain products and services may offer consumers special benefits.

Most times we as customers fail to request or read the terms and conditions provided by banks regarding the service they render. The best approach is to pay close attention to these terms and conditions and every other document made available by the bank regarding transactions.

When needed, customers should be free to express their need for clarity regarding any area of concern to their customer service/relationship officers.

Conclusion/Guidance

In the course of transacting with financial institutions, both banks and the customer have a role to play. As cries against excess charges continue, we have identified the following simple measures that can be adopted by banks and customers to ensure cooperation with little or no conflicts.

1. Enlightenment: Banks should enlighten and give adequate education to customers about the account to be opened, the charges on such account and available channels to transact.

2. Simplicity: Terms and Conditions made available by the bank should be simplified and always explained during the account opening process or when the need arises.

3. Timeliness: Banks should ensure changes in Charge Rates are communicated timely. They can also be made available in branches or on the internet banking platforms or applications.

4. Availability: Availability of relationship officers is crucial. As adopted by some Banks, the details of a customer's relations manager(s) should be made available on the internet banking portal or as messages to those without electronic banking. With this, customers can communicate their concerns without having to wait on queue to liaise with a customer service representative.

5. Opportunities: In recent times banks continue to shun out various products to attract prospect customers and keep existing customers consistent in the use of their service. Rather than focus on money spinning products or services, banks should also introduce products with limited charges should be introduced in other to encourage the

unbanked public. Banks can also leverage on technology to educate customers and notify them of matters of concern e.g. Integrating a lowbalance alerts in applications or ebanking platforms.

For Customers:

1. Be more sensitive when transacting and request for information however necessary from your bank.

2. Plan ahead and avoid spontaneous withdrawals.

3. Choose your bank carefully. Before opening an account, seek to understand the terms and conditions as well as the fees charged. Also, identify branches or ATMs closest to you to ensure you can easily walk in to transact when necessary.

4. Keep good records and analyze your monthly account statement to see what you are being charged. With this you can also understand your spending pattern and plan adequately. You can also detect when an illegal deduction is made on your account.

5. Opt for Electronic Statements instead of Paper Statement.

6. Do more of transfers (same bank transfers are free) instead of cheque.

7. Don't be too busy to go negotiate with your bank. The competition in the banking industry is high and banks tend to seek long term relationships. Thus, they will most likely oblige to your request if reasonable and if not don't hesitate to take your money to the competition.

It is paramount to note that bank charges will remain for a long time especially in this clime; Banks can however be more responsible and desist from entrapping and exploiting customers, by improving their customer service. The best thing for the customer on the other hand is to stay informed, while regulatory bodies ensure to do more in educating consumers and punish banks that fail to comply with its guidelines. CBN's Guide to Bank Charges 2004
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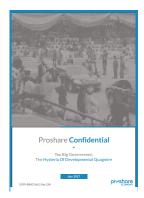
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