

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NON-GOVERNMENTAL ORGANISATIONS REGULATORY COMMISSION FOR THE SUPERVISION, CO-ORDINATION AND MONITORING OF NON-GOVERNMENTAL ORGANISATIONS, CIVIL SOCIETY ORGANISATIONS ETC, IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Umar Buba Jubril

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - ESTABLISHMENT OF THE NON-GOVERNMENTAL ORGANISATIONS REGULATORY (ESTABLISHMENT, ETC,) COMMISSION

1 1.-(1) There is hereby established, a body to be known as the Non-
2 Governmental Organisations Regulatory Commission of Nigeria (in this
3 Act referred to as "the Commission").

Establishment of
the Commission

4 (2) The Commission:

5 (a) shall be a body corporate with perpetual succession and a
6 common seal;

7 (b) may sue and be sued in its corporate name;

8 (c) may acquire, hold or dispose of any property, movable and
9 immovable for the purposes of carrying out its functions under this Act.

10 (3) The Commission shall have its corporate headquarters in
11 Abuja.

12 2. -(1) There is hereby established a Governing Board (in this Act
13 referred to as "the Board") for the management of the Commission and it
14 shall consist of the following:

Establishment of
the Governing
Board

15 (a) a Chairman;

16 (b) one representative each of the following, who shall not be
17

1 below the rank of a Director or its equivalent:

2 (i) Ministry of Interior;

3 (ii) Ministry of Justice;

4 (iii) Ministry of Youth Development;

5 (iv) Ministry of Health;

6 (v) Ministry of Agriculture and Rural Development;

7 (vi) Ministry of Water Resources;

8 (vii) Ministry of Environment;

9 (viii) Ministry of Housing and Urban Development;

10 (ix) three representatives of the Non-Governmental Organisations

11 who shall be nominated by the National Council of Voluntary Agencies;

12 (x) Six persons of proven integrity, one from each of the six geo-
13 political zones; and,

14 (c) the Executive Secretary of the Commission who shall be
15 appointed by the President on the recommendation of the Minister.

16 (2) The Chairman and Members of the Board of the Commission shall
17 be:

18 (a) appointed by the President on the recommendation of the Minister
19 subject to the confirmation of the Senate;

20 (b) be persons of proven integrity, honour and ability; and

21 (c) part-time Members except the Executive Secretary who shall be a
22 full time member.

23 (3) The supplementary provisions set out in the Schedule to this Bill
24 shall have effect with respect to the proceedings of the Board and other matters
25 contained therein.

Tenure of Office

26 3. The Chairman and Members of the Board, shall each hold office:

27 (a) for a term of 4 years and may be reappointed for a further term of 4
28 years and no more; and

29 (b) on such terms and conditions as may be specified in their letters of
30 appointment.

1 **4.-(1)** A person shall cease to hold office as a Member of the Board Cessation of
2 on the occurrence of any of the following: Membership

3 (a) he/she becomes bankrupt, suspends payment or compounds
4 with his creditors:

5 (b) he/she is convicted of a felony or any offence involving
6 dishonesty or fraud;

7 (c) he/she becomes of unsound mind or is incapable of carrying out
8 his duties;

9 (d) he/she is guilty of a serious misconduct in relation to his duties;

10 (e) he/she resigns his appointment by a letter under his hand to the
11 President.

12 **(2)** Where a member of the Board ceases to hold office for any
13 reason whatsoever, before the expiration of the term for which he is
14 appointed, another person representing the same interest as that member
15 shall be appointed to the Board for the un-expired term.

16 **(3)** A member of the Board may be removed by the President on the
17 recommendation of the Minister if he is satisfied that it is not in the interest
18 of the commission or the public that the member continues in office.

19 **5.** Members of the Board shall be paid such salaries and Remuneration of
20 allowances in accordance with such rates as the Revenue Mobilisation, Members
21 Allocation and Fiscal Commission may from time to time approve.

22 **6.** The Board shall have power to: Powers of the
Board

23 (a) manage and superintend over the affairs of the Commission;

24 (b) make rules and regulations for the effective running of the
25 Commission;

26 (c) employ and pay the staff of the Commission such remuneration
27 and allowances as the Revenue Mobilisation, Allocation and Fiscal
28 Commission may from time to time approve;

29 (d) enter into such contract as may be necessary or expedient for
30 the discharge of its functions and ensure the efficient performance of the

1 functions of the Commission; and

2 (e) receive, disburse and account for funds of the Commission.

3 PART 11 - OBJECTS, FUNCTIONS AND POWERS OF THE COMMISSION

Objectives of the
Commission

4 7.-(1) The Commission shall have the following objectives:

5 (a) to enable and encourage Non-Governmental Organisations and
6 Civil Societies to accomplish their missions according to the law.

7 (b) to ensure the transparency and accountability of the operations of
8 Non-Governmental Organisations and Civil Societies; and

9 (c) to supervise Non-Governmental Organisations and Civil Societies
10 to ensure that they operate according to the law.

Functions of the
Commission

11 8. The functions of the Board shall be:

12 (a) to facilitate and co-ordinate the work of all national and
13 international Non-Governmental Organizations operating in Nigeria;

14 (b) to maintain the register of national and international Non-
15 Governmental Organizations operating in Nigeria, with the precise sectors,
16 affiliations and locations of their activities;

17 (c) to receive and discuss the annual reports of the Non-Governmental
18 Organizations;

19 (d) to advise the Government on the activities of the Non-
20 Governmental Organizations and their role in development within Nigeria;

21 (e) to conduct a regular review of the register to determine the
22 consistency with the reports submitted by the Non-Governmental
23 Organizations and the Council;

24 (f) to provide policy guidelines to the Non-Governmental
25 Organizations for harmonizing their activities to the national development plan
26 for Nigeria;

27 (g) to receive, discuss and approve the regular reports of the Council
28 and to advise on strategies for efficient planning and co-ordination of the
29 activities of the Non-Governmental Organizations in Nigeria;

30 (h) to receive, discuss and approve the code of conduct prepared by

1 the Council for self regulation of the Non-Governmental Organizations and
2 the activities in Nigeria; and

3 (i) doing all such things incidental to the foregoing functions
4 which, in the opinion of the Board are calculated to facilitate the carrying on
5 of the duties of the Commission under this Act.

6 **9.** The Board shall have power:

Powers of the
Commission

7 (a) to establish such subsidiary organs as may be necessary for the
8 performance of its functions under this Act; and

9 (b) subject to this Act, to appoint such officers as may be necessary
10 for the performance of its functions.

11 **10.** The Board shall establish and maintain a documentation centre
12 on Non- Governmental Organizations and their activities in Nigeria and
13 such other information as may be necessary for the understanding and
14 promotion of the contribution of Non- Governmental Organizations to
15 national development.

16 **PART III- REGISTRATION AND LICENSING OF NON-GOVERNMENTAL**
17 **ORGANIZATIONS**

18 **11.-(1)** Every Non-Governmental Organization shall be registered
19 in the manner specified under this Section.

Registration

20 (2) Applications for registration shall be submitted to the
21 Executive Secretary of the Commission in the prescribed form.

22 (3) An application for registration shall be made by the Chief
23 Executive Officer of the proposed organization and specify:

24 (a) other officers of the organization;

25 (b) the head office and postal address of the organization;

26 (c) the sector(s) of the proposed operations;

27 (d) the location(s) of the proposed activities;

28 (e) the proposed average annual budget;

29 (f) the duration of the activities;

30 (g) all sources of funding;

1 (h) the national and international affiliation and certificates of
2 incorporation; and

3 (i) such other information as the Board may prescribe.

4 (4) The Commission may, by notice in the Gazette, exempt such Non-
5 Governmental Organizations from registration as it may determine:

6 (5) Application for registration under this Section shall be
7 accompanied by a certified copy of the proposed Non-Governmental
8 Organization.

Fees for
Registration

9 **12.** An application for registration of Non-Governmental
10 Organization shall be accompanied by such fees as the Commission may from
11 time to time prescribe.

Issuance of
Certificate of
Registration

12 **13.** -(1) Every Non-Governmental Organization registered under this
13 Act shall be issued with a certificate of registration within three months in
14 accordance with this Act.

15 (2) Where the Commission turns down an application for registration,
16 the applicant shall be informed of the reasons for the rejection and be given a
17 maximum period of three months within which to correct the anomalies and
18 resubmit the application; but the fees paid before the rejection will cover the
19 resubmission.

20 (3) A certificate of registration shall be conclusive evidence of
21 authority to operate throughout Nigeria or as such parts of the country as are
22 specified therein.

23 (4) An organisation that is not registered under the Act cannot operate
24 in the country nor benefit from the facilities made available by the
25 Government, to organisations which are registered under the Act but, in special
26 cases, the Minister, on the advice of the Board, may make concessions under
27 conditions of emergency.

28 (5) A registered Non-Governmental Organization shall by virtue of
29 such registration be a body corporate capable in its name of:

30 (a) may sue and be sued in its corporate name;

1 (b) may acquire, hold or dispose of any property, movable and
2 immovable for the purposes of carrying out its functions;

3 (c) entering into contracts; and

4 (d) doing or performing all such other things or acts necessary for
5 the proper performance of its functions under this Act, which may lawfully
6 be done or performed by a body corporate.

7 **14.** -(1) every certificate issued to an organization shall be in the Validity
8 prescribed form and shall, unless cancelled, be valid for a period of Twenty-
9 Four months from the date of issue.

10 (2) A certificate issued under this Act may contain such terms and
11 conditions as the Board may prescribe.

12 **15.** The Board may refuse registration of an applicant if: Refusal of
Registration

13 (a) it is satisfied that its proposed activities or procedures are not in
14 the national interest;

15 (b) it is satisfied that the applicant has given false information on
16 the requirements of Subsection (3) of Section 11;

17 (c) it is satisfied, on the recommendation of the Council, that the
18 applicant should not be registered.

19 **16.** -(1) An organization registered under the Act is responsible for Renewal of
Registration
20 renewing its registration in accordance with the established procedures.

21 (2) The renewal is dependent on the periodic submission of the
22 relevant documentation as determined by the Board.

23 (3) The Minister may require an independent assessment of the
24 performance of an organization regarding its operations to ensure
25 accountability.

26 (4) For an assessment under paragraph (3) the organization will
27 submit:

28 (a) a summary of the final donor project narrative and financial
29 reports;

- 1 (b) a specific external project audit undertaken at donor request; and
2 (c) a copy of the last or the most recent audit of its operations.
- 3 (5) The renewal forms should be submitted at least one month before
4 the expiration of the current registration certificate.
- 5 (6) Where there is an unavoidable delay to submit the renewal forms,
6 the Board will extend the deadline for renewal and may charge a fee for late
7 application.
- Obligation to
renew registration 8 **17.-(1)** An organisation is expected to renew its registration every two
9 years.
- 10 (2) Failure to renew will amount to termination of operations and will
11 lead to the deletion of the name of the organisation from the register.
- 12 (3) Where circumstances cause an organization to suspend its
13 operations, that fact should be communicated to the Board for necessary
14 consideration.
- 15 (4) The renewal should- be completed before the end of the validity of
16 the certificate of registration.
- 17 (5) At the time of issuing a new certificate under this Section, the
18 Board may vary the terms and conditions attached to the certificate.
- Cancellation of
suspension or
registration 19 **18. -(1)** The Board may cancel or suspend a certificate issued under
20 this Act, if it is satisfied that:
- 21 (a) the terms or conditions attached to the certificate have been
22 violated;
- 23 (b) the organization has breached this Act;
- 24 (c) the Council has submitted a satisfactory recommendation for the
25 cancellation of the certificate.
- 26 (2) Notice of the cancellation or suspension shall be served on the
27 Organization in respect of whom such cancellation or suspension relates and
28 shall take effect within fourteen days after the date of that notice.
- Issuance of
Work Permit 29 **19.-(1)** The Board shall receive and consider application for work
30 permits in respect of prospective employees of a registered Non-Governmental

1 Organization and make recommendation to the Comptroller of Immigration
2 for the issuance of the permit to the applicant.

3 (2) An expatriate whose term of employment has expired with one
4 organisation shall not be employed by another organisation under the same
5 work permit.

6 20.-(1) If the Board has reasons to believe that a registered Cessation of
existence
7 organization has, for any reason, ceased to exist, it may publish in the
8 Gazette a notice calling upon such organization to furnish it with the proof of
9 its continued existence.

10 (2) The proof given under Subsection (1) shall be accompanied by
11 an authenticated recommendation by the Council.

12 (3) The Board may strike off the register any organization which
13 fails to provide proof of its existence within thirty days from the date of the
14 notice or if the Council report does not confirm the existence of such an
15 organization.

16 21.-(1) Any organization which is aggrieved by a decision of the Appeal
17 Board made under this Part may, within sixty days from the date of the
18 decision, appeal to the Minister.

19 (2) On request from the Minister, the Council shall provide written
20 comments on any matter over which an appeal has been submitted to the
21 Minister under this Section.

22 (3) The Minister shall issue a decision on the appeal within thirty
23 days from the date of such an appeal, and such a decision of the Minister
24 shall be final.

25 (4) If the Council is satisfied that the organization has ceased to
26 exist, its recommendation to the Board shall include suggestions of how the
27 assets and liabilities of the organization should be distributed and the
28 reasons thereon.

29 22. An organization established by a State or group of States for
30 welfare, research, relief, public health or other forms of development

1 assistance shall not be eligible for registration under this Act.

2 **23.** Any organization registered under this Act shall not be entitled to
3 diplomatic or consular privileges or immunities.

4 **24.**-(1) It shall be an offence for any person to operate a Non-
5 Governmental Organization in Nigeria for welfare, research, health relief,
6 agriculture, education, industry, the supply of amenities or any other similar
7 purposes without registration and certificate under this Act.

8 (2) A person convicted of an offence under this Act shall be liable to a
9 fine not exceeding Five Hundred Thousand Naira, or to an imprisonment of
10 eighteen months or to both.

11 (3) Upon sentence, the court may order that whole or part of the fine
12 be remitted to the accounts of the Board to defray the cost of its operations.

13 (4) Any person who has been convicted of an offence under this Act
14 shall be disqualified from holding office in any Non-Governmental
15 Organization for a period of ten years.

Project formulation
and implementation

16 **25.**-(1) An organisation whose activities are geared towards
17 improving the economic, social and cultural welfare of a target group within
18 the country and a significant percentage of the contributions of its donors go
19 directly to meet the needs of the target group, shall, in the formulation and
20 implementation of projects:

21 (a) involve fully the participation of the specific target group and
22 confirmation of this should be evident on the submitted programme;

23 (b) fully consult and seek the approval and collaboration of the
24 Ministry concerned with the activity to ensure that the project is in line with the
25 objective of the Government programme for the development of the relevant
26 area;

27 (c) comply with the relevant financial legislation, and the funds
28 pledged by the donors must be disclosed before commencement of the
29 implementation of the project, including the mode of disbursement and the
30 conditions attached to the funding by the donor; and where part or all of the

1 funds are made available directly from the donors or through the overseas
2 office of the organisation, the transfers must be channeled through the
3 normal banking system.

4 (2) In the designing of projects, an organisation should ensure that
5 the greater percentage of the financial requirement goes for direct support to
6 target beneficiaries, in respect of which the organisation shall limit the
7 administrative costs to bare essentials.

8 (3) Where there is a doubt as regards sub paragraph (2) the
9 organisation shall seek guidance from the Minister.

10 **26.-(1)** A project formulated by an organisation for eventual
11 implementation in the country shall be approved by the relevant Ministry
12 and registered with the Commission before implementation.

Registration of
projects

13 (2) The Commission conscious of the possibility of variation of
14 project estimates from registration to implementation stage, shall ensure
15 that a variation is promptly communicated to the relevant Ministry for
16 approval and copied to the Commission.

17 (3) In an emergency, the registration of a project before the
18 sourcing of funds may be waived on request by the organisation to the
19 Commission.

20 (4) Where the waiver is granted, the organisation shall, within
21 fourteen days of sourcing the funds, advise the Commission of the quantum
22 of the funds and the planned project utilisation of the funds.

23 **27.-(1)** The proposals for a project shall contain:

Details of
Programmes

24 (a) the type of activities to be undertaken by the organization;

25 (b) the category of the target beneficiaries;

26 (c) the estimated number of beneficiaries;

27 (d) the estimated duration of the programmes;

28 (e) the total sum of money needed for implementation which shall

29 set out:

30 (i) the contribution of the organization;

- 1 (ii) the contribution of the beneficiary community; and
2 (iii) any other donations.
3 (f) the cost of goods and services;
4 (g) the total number of personnel to implement the project, listing
5 each category;
6 (h) the list and estimate value of the items that will be imported and
7 will require the waiver of duty;
8 (i) the total personnel cost;
9 (j) the implementation strategies;
10 (k) the signatures of the leaders of the relevant community indicative
11 of the involvement of the community in the formulation process; and
12 (1) the approval by the relevant Ministry and its recommendation to
13 the Commission.
14 (2) A project shall not be implemented unless it has been approved by
15 the relevant Ministry and registered with the Commission.
- 16 **28.**-(1) It is the responsibility of the Commission:
17 (a) to monitor and evaluate the programmes of an organisation;
18 (b) to co-operate with the relevant Ministries and the other relevant
19 institutions in carrying out its monitoring and evaluating activities;
20 (c) to establish an Inter-Agency Committee that will meet, at least
21 quarterly, to address relevant issues on programme reviews and national
22 strategic planning;
23 (d) to establish Sectoral Standing Committees that will meet every
24 quarter to address issues of the sector relating to the operations of the
25 organisations;
26 (e) to organise monthly meetings of representatives of organizations
27 with the various relevant Ministries to discuss pertinent issues;
28 (f) to ensure full participation of the beneficiary community and the
29 relevant Ministry in programme formulation and implementation;
30 (g) to ensure that organisations submit progress and completion

Monitoring and
Evaluation of
projects

1 reports for programmes implemented;

2 (h) to organise periodic surveys to be informed on issues by all
3 stakeholders;

4 (i) to organise visits to applicants' premises and witness randomly
5 selected activities of field operations without notice to the organisation; and

6 (j) to seek the assistance of full time Customs and Excise Service
7 officers to assist with the monitoring of organisations.

8 (2) The relevant Ministry shall provide the Commission with
9 quarterly evaluation reports for programmes supervised by the relevant
10 Ministry and on completion of the programme, endorse the completion
11 report after seeking the views of the beneficiary for eventual submission to
12 the Commission.

13 (3) The Commission shall:

14 (a) obtain a quarterly list of the funded programmes and the amount
15 of funding available to each organization; and

16 (b) obtain a list of the International agencies funded programmes
17 and the amount of money provided to the organisations.

18 **29.**-(1) An organisation shall submit the details of the funds
19 pledged by donors for project implementation.

Project funding
and Assets

20 (2) The disclosure should include the amounts of money pledged,
21 the sources of funding, the details of the donors and any other details of
22 installment arrangements or any other requirements including details of
23 donor support in kind.

24 (3) The assets transferred to build the capacity of an organisation
25 should be done through the Commission which will identify the operation
26 criteria.

27 (4) The funds, as and when released by a donor, should be
28 transferred from the donor direct to the organisation or through the Head
29 Office of the organisation to an account in this country in a commercial bank
30 and placed in a local or foreign account.

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1 (5) The vehicles owned by an organisation shall be registered in the

2 name of the organization should be clearly marked with the name of the
3 organization, or with the logo of the organisation.

4 (6) The assets owned by organisations through purchase or
5 acquisition with donor funds are the property of the people of Nigeria who are
6 the beneficiaries and accordingly where an organisation is closing down its
7 operations:

8 (a) the organisation shall not dispose of the assets and keep the
9 relevant proceeds; and

10 (b) the assets acquired over time shall be surrendered to the
11 Government as trustee for the people of Nigeria;

12 (7) Where a donor intends to redirect the assets despite subparagraph
13 (6), it shall inform the Commission which shall act in accordance with the
14 policy of the Government in respect of those assets; but where an organisation
15 by the nature of its operations, needs to redirect the assets to other off-shore
16 programmes outside the country, that will be allowed following a formal
17 request by the overseas head office of the organisation to the Commission.

18 (8) For the purposes of subparagraphs (6) and (7) the estimated value
19 of the assets as assessed by Commission shall be deducted for reporting
20 purposes from the original value of the assistance.

Institutional
support

21 30.-(1) International organisations, United Nations Agencies and any
22 other institutions of an international character are encouraged to help develop
23 and strengthen the capacity of collaborating organisations by assisting in
24 developing their structures.

25 (2) The Government may provide relevant financial and institutional
26 support to organisations, in the form of duty waivers, tax allowances and any
27 other facilities, to enable them develop, reinforce and sustain their
28 organizational capacity for more effective delivery of service.

29 (3) The Commission encourages the use of collaboration with local
30 organizations in programme implementation and will therefore ensure that

1 other organisations utilise the services of local organisations in the
2 implementation of programmes meant for those areas.

3 (4) The cultural link between the local organisation management
4 and the target beneficiaries should ensure better performance and
5 accountability.

6 (5) The Government shall encourage the use of partnerships
7 between international organizations and local organisations in the
8 implementation of programmes nationwide.

9 (6) Since organisations are created entities that serve as agents for
10 both donors and beneficiaries, and the funds released by donors for the
11 operations of organisations are meant for the benefit of the target
12 beneficiaries, the funds that are provided for capacity building or for
13 logistical support, and items so acquired remain the property of the
14 organisation for as long as it stays in operation.

15 31.-(1) Subject to relevant laws, the Ministry of Finance will
16 approve the duty waivers, and for that purpose, the Commission shall
17 scrutinize applications for duty waiver and recommend approval to the
18 Ministry of Finance.

Waiver of
import duty

19 (2) Applications for the waiver of a duty, including permit
20 clearance from organisations will only be granted by the Ministry of Finance
21 after recommendations by the Minister through the Commission

22 (3) The facility of duty waiver is available to organisations which
23 are properly registered and which have submitted and registered
24 programmes of activity with the Commission.

25 (4) A requirement of that registration is the provision of a list of
26 intended imports before programme implementation commences.

27 (5) A request for duty waiver should conform with the contents of
28 the project registration list and the pre-shipment document should be
29 forwarded to the Commission after endorsement by the relevant Ministry.

30 (6) The relevant documents will be processed by the duty waiver

1 Committee for the attention and approval of the Commission for onward
2 transmission to the Ministry of Finance.

3 (7) In the case of one-off imports for humanitarian or relief activities,
4 and of items to be distributed free of charge, this facility is available where:

5 (a) a distribution plan accompanies the application;

6 (b) the distribution of items would be supervised by an organization
7 approved by the Commission and the applicant;

8 (c) the importer is linked with an organisation nominated by the
9 importer to carry out the distribution:

10 (d) the relevant Ministry endorses the shipping documents before
11 submission to the Commission; and

12 (e) the distribution of the items would be completed within two to
13 three months.

14 (8) Capacity building items, based on a checklist agreed between
15 Commission and the Customs and Excise Service on basic needs are exempt
16 from duty.

17 (9) When the full complement has been allowed, further allowance
18 will not be given except for replacement due to disposal, loss or wear and tear.

19 (10) in the case of disposal, the Customs and Excise 'must be informed
20 and the purchaser should pay the relevant duty before transfer of the item.

21 (11) An organisation should provide a list of support items it intends
22 to import during the year at the time of renewal of registration for any of the
23 items not approved under a project; and the items for duty waiver concessions
24 must bear relevance to the approved project of the applying organisation.

Further condition
of waiver

25 32.-(1) Goods imported for monetisation according to donor
26 instructions so that the proceeds should be utilised for programme
27 implementation will not enjoy duty waiver.

28 (2) Imported items which are locally produced and are of comparable
29 quality and cost shall not be granted duty waiver except when approved by the
30 relevant Ministry, or required by the donor under an emergency.

1 (3) The personal effects of the personnel of an organisation will be
2 granted duty waiver only under the normal Customs rules pertaining to first
3 time entrants which rules shall apply for an initial period of six months only.

4 (4) Luxury items and commercial quantities of non-luxury items as
5 determined by the Customs and Excise shall not be exempt from duty.

6 (5) Goods donated for humanitarian relief activities that the
7 Commission and the organisation agree to monetise for any reason, shall not
8 enjoy duty exemption, and when monetised, the proceeds must be used for
9 programme implementation.

10 (6) In the case of vehicles, organizations will enjoy duty free
11 concession for requests approved under the programme registration
12 procedure depending on the scope of operations, and

13 (a) approval will be given by the relevant Ministry based on project
14 contents, at the time of project approval;

15 (b) the Customs and Excise should be informed before a vehicle is
16 disposed of so that the new owner pays the relevant duty.

17 (7) For a new registration, the current number of vehicles owned by
18 the organisation will be taken into consideration for future project approval
19 and the granting of the duty waiver facility.

20 (8) In order to develop local capacity, goods carriers will not be
21 exempt from duty as there are enough carriers available locally through hire
22 or charter; but where circumstances warrant a review, the Commission will
23 undertake the responsibility.

24 (9) Fuel purchase by an organisation will not enjoy duty free
25 facility under any circumstances.

26 (10) The Commission will develop a mechanism to authenticate
27 beneficiaries for duty-free concession.

28 (11) Where the Ministry in consultation with the Customs and
29 Excise and the relevant organisations issue an annually approved list of non-
30 allowable items then strict compliance should be observed in granting the

1 duty free concession.

2 (12) The Commission will not accommodate a request or a permit for

3 the imports of an organisation except for:

4 (a) perishable goods that show signs of deterioration or are

5 approaching expiration; or

6 (b) emergency supplies that receive status confirmation of the

7 relevant Ministry.

8 (13) The disposal of items that originally enjoyed duty waiver facility

9 should be communicated to the Customs and Excise under the normal

10 guidelines approved by the Commission.

11 (14) The Customs and Excise shall cancel the waiver facility already

12 approved where an organization misinforms the Government on imports or

13 there is a disparity between the shipping documents and the goods received.

Taxation

14 33.-(1) An organisation is expected to comply fully with the taxation

15 and labour laws and the Agreements and Protocols signed with the

16 Government.

17 (2) An organisation must submit a renewal application form with a tax

18 clearance certificate issued by the Federal Inland Revenue Service.

19 (3) Where an organisation is involved in income generating activities

20 and the organisation should declare details of the activities and the income to

21 the Federal Inland Revenue Service for a certificate of exemption and failure to

22 secure the certificate will adversely affect the re-registration possibilities of the

23 organisation.

Capacity Building

24 34.-(1) The Government has a responsibility in respect of:

25 (a) the promotion and development of the human resource capacity of

26 citizens;

27 (b) protecting the avenues of employment for the benefit of its

28 citizens; and

29 (c) ensuring continuity of the programmes or activities of

30 organisations or under emergency and periods of insecurity; and accordingly,

1 organisations are expected to comply with the laws governing immigration

2 and labour.

3 (2) An organisation shall:

4 (a) promote the development of human resources and appropriate

5 technical training by providing employment at all levels for citizens;

6 (b) submit details of planned training programmes for human

7 resource development on submission of a renewal application;

8 (c) exhaust, first, the possibility of employing suitably qualified

9 citizens before recruiting non-citizens to any position;

10 (d) ensure that it has an adequate number of citizens at senior

11 management level with enough authority to ensure continuity of

12 programmes even in the absence of expatriate seniors in order to assist in

13 providing the transfer of knowledge and capacity building;

14 (e) ensure that only citizens and the citizens of countries are

15 forming the Economic Community of West States employed in middle and

16 junior staff positions;

17 (f) limit the use of international consultants only to disciplines for

18 which local expertise is not available.

19 (3) The wishes of a donor will be respected in case of a conflict with

20 subparagraph (2) only if those wishes are promptly and properly

21 communicated to the Commission and the Ministry responsible for labour.

22 (4) Where an emergency is declared by the President under the

23 Constitution, the Ministry, on the advice of the relevant Ministry, shall

24 recommend the application for the recruitment of non-citizens by an

25 organisation to the Commission, personnel so employed shall be allowed

26 temporary resident status in conformity with the relevant immigration laws.

27 (5) The recruiting organisation is responsible for the immediate

28 repatriation of the expatriate employee and the immigration authorities shall

29 be informed accordingly.

30 (6) Where the recruiting organization fails to repatriate the

1 expatriate employee, the immigration authorities shall repatriate that
2 employee, and the cost of the repatriation is a debt due to the immigration
3 authorities.

4 (7) To ensure that only non-available skills are imported by an
5 organisation, a list of trades and skills that are abundantly available locally will
6 be compiled by the Ministry, in consultation with the Ministry responsible for
7 Labour and supplied to all organisations.

8 PART IV - SELF-REGULATION BY THE NON-GOVERNMENTAL

9 ORGANIZATIONS

Establishing of
Nigeria National
Council of
Voluntary Agencies

10 35.-(1) There shall be established a Nigeria National Council of
11 Voluntary Agencies, as a collective forum of all the voluntary agencies
12 registered under this Act.

13 (2) The Council shall adopt its own structure, rules and procedures for
14 the efficient administration of its activities.

15 Provided that the first meeting to adopt the structure and procedures of the
16 Council shall be supervised by an official designated by the Commission.

Code of Conduct

17 36.-(1) The Council shall develop and adopt a Code of Conduct and
18 such other regulations as may facilitate self-regulation by the Non-
19 Governmental Organizations on matters of activities, funding programmes,
20 foreign affiliations, national security, training, the development of national
21 manpower, institution building, scientific and technological development and
22 such other matters as may be of national interest.

23 (2) The code of conduct shall only be adopted by a resolution at a
24 meeting of the Council, attended by not less than two-thirds of the registered
25 agencies and supported by not less than three-quarters of the voting members
26 present.

27 (3) The Code of Conduct shall be subject to approval by the Board.

28 (4) The Council shall prescribe rules and procedures for audit of the
29 accounts of Non- Governmental Organizations, which rules shall be submitted
30 to the Board for ratification.

1 (5) The Code of Conduct shall prescribe the responsibilities of the Council
2 which, once approved by the Board, shall be construed as obligations under
3 this Act.

4 (6) The Board shall ensure that the Code of Conduct is consistent with the
5 national and foreign policies and all written laws of Nigeria.

6 (7) The Board shall cause the code of conduct approved under Subsection
7 (3) to be published in the Gazette.

8 PART V - TRANSITIONAL ARRANGEMENTS

9 37. (1) There shall be a transitional registration period not exceeding six
10 months from the date of commencement of this Act; Provided that the
11 Commission may extend the period upon application by a Non-
12 Governmental Organization.

13 (2) All Non-Governmental Organizations that are presently registered under
14 any other law in Nigeria shall, within the period specified in Subsection (1)
15 apply and obtain a certificate under this Act.

16 38. The first one hundred Non-Governmental Organizations to be registered
17 by the Board under this Act shall constitute a Council competent to develop
18 and adopt the Code of Conduct under this Act.

19 PART VI - APPOINTMENT OF THE EXECUTIVE SECRETARY AND OTHER
20 STAFF OF THE COMMISSION

21 39.-(1) There shall be an Executive Secretary for the Commission,
22 who shall, be appointed by the President and in the exercise of his functions
23 under this Act, and be responsible to the Commission. Duties of Executive
24 Secretary

Appointment of
the Executive
Secretary

25 (2) the Executive Secretary shall be:

26 (a) the Chief Executive and Accounting Officer of the
27 Commission;

28 (b) responsible to the Board for the execution of the policies and
29 administration of the daily affairs of the Commission;

30 (3) The Executive Secretary may, subject to the provisions of this

	1	Act and to any special or general directions of the Commission, delegate any of
	2	his functions to any employee of the Commission.
Tenure of office of the Executive Secretary	3	40. -(1) The Executive Secretary shall be appointed for a term of 5
	4	years in the first instance and may be reappointed for a further term of 5 years
	5	and no more.
	6	(2) The Executive Secretary shall:
	7	(a) be paid such remuneration as may be prescribed in his letter of
	8	appointment; and
	9	(b) ensure compliance with the provisions of this Act.
Other Staff of the Commission	10	41. -(1) The Board shall appoint for the Commission, such other
	11	officers and other staff as it may from time to time deem necessary for the
	12	purposes of the Commission;
	13	(2) The terms and conditions of service (including, terms and
	14	conditions as to remuneration, allowances, retiring benefits and discipline) of
	15	the Executive Secretary and other staff of the Commission shall be such as may
	16	be determined from time to time, by the Commission.
	17	(3) The Commission shall determine the remuneration and tenure of
	18	office of its employees.
	19	(4) The Commission may accept any member of staff by way of
	20	transfer, secondment or deployment from any public service of the Federal,
	21	State or Local Government approved establishments.
Appointment and secondment from public service	22	42. Notwithstanding the provisions to Section 29, the Board shall
	23	have power to appoint for the Commission either directly or on secondment
	24	from any Public Service in the Federation, such number of employees (as may,
	25	in the opinion of the Board) be required to assist the Commission in the
	26	discharge of any of its functions under this Act.
Pensions Reforms Act, 2004	27	43. Service in the Commission shall be approved service for the
	28	purpose or the Pension Reform Act, 2004 and accordingly, officers employed
	29	in the Commission shall in respect of their service in the Commission be
	30	entitled to pension, gratuity and other retirement benefits.

1 **44.**-(1) There shall be established in the Head Office of the Structure of the
2 Commission the following Departments: Commission

- 3 (a) Finance and Accounts;
- 4 (b) Planning, Research and Statistics;
- 5 (c) Information and Publicity;
- 6 (d) Community Relations.
- 7 (e) Legal;
- 8 (f) Personnel Management; and
- 9 (g) Procurement.

10 (2) Nothing in Subsection (1) shall prevent the Commission from
11 establishing any additional Department as the Commission may deem
12 necessary for the proper and effective administration of the provision of this
13 Act.

14 PART VII - FINANCIAL PROVISIONS

15 **45.**-(1) The Commission shall establish and maintain a fund to Funds of the
16 which all monies accruing to it shall be paid into or from which shall be Commission
17 defrayed all expenditure incurred by the Commission.

18 (2) The Fund of the Commission shall consists of:

- 19 (a) all such sums as may from time to time be granted to the
20 Commission by the Federal Government;
- 21 (b) sums accruing to the Commission by way of grants, subsidies,
22 donations, testamentary, gifts and endowment or otherwise:
- 23 (c) rents, fees and internally generated revenue from services
24 rendered by the Commission;
- 25 (d) loans and grant-in-aid from national, bilateral and multilateral
26 agencies; and
- 27 (e) all other sum as may, from time to time, accrue to the
28 Commission.

29 **46.**-(1) The Commission may, from time to time, borrow such Power to borrow
30 sums it may require in the execution of its functions under this Act;

1 (2) the Commission may accept gifts of land, money or other property
2 on such terms and conditions, if any, as may be prescribed by the person or
3 organization making the gift.

4 (3) the Commission shall not accept any gifts if the conditions
5 attached are inconsistent with the objectives of the Commission.

Annual estimates
and expenditure

6 **47.**-(1) The Council shall, not later than 30th September of each year,
7 submit to the National Assembly through the Minister an estimate of the
8 expenditure of the Commission during the next succeeding year.

9 (2) The Council shall approve all expenditure of the Commission.

Accounts

10 **48.** The Commission shall:

11 (a) cause to be kept proper accounts and records of the transactions of
12 the Commission;

13 (b) maintain effective control over its assets and liabilities incurred in
14 the discharge of its functions; and

15 (c) prepare in respect of each financial year a statement of account in
16 such form as the Auditor-General of the Federation may direct.

Audit

17 **49.**-(1) The Commission shall cause the accounts to be audited not
18 later than six months after the end of each year by the Auditor-General of the
19 Federation.

20 (2) The Auditor-General of the Federation or any officer authorized
21 by him is entitled at all reasonable times to full and free access to all accounts,
22 records, documents and papers of the Commission relating directly or
23 indirectly to the receipt or payment of money by the Commission or to the
24 acquisition, receipt, custody or disposal of assets by the Commission.

Annual Report

25 **50.** The Commission shall submit to the President through the
26 Minister not later than 30th June, of each financial year, a report of its activities
27 during the preceding financial year, and it shall include a copy of the audited
28 accounts of the Commission for that year and a copy of the auditor's report on
29 it.

1 PART VII - MISCELLANEOUS PROVISIONS

2 51. -(1) The provisions of the Public Protection Act shall apply in
3 relation to any suit instituted against any officer or employee of the
4 Commission. Limitation of suit
against the
Commission

5 (2) No suit shall be commenced against a member of the Board, the
6 Executive Secretary, officer or employee of the Commission before the
7 written notice of intention to commence the suit shall be served upon the
8 Commission by the intending plaintiff or his agent.

9 (3) The notice referred to in Subsection (2) of this Section shall
10 state the cause of action, the particulars of the claims, the name and place of
11 abode of the intending plaintiff and the relief which he claims.

12 52. A notice of summons or any other documents required or
13 authorised to be served upon the Commission under the provisions of this
14 Act or any other law or enactment may be served by delivering it to the
15 Executive Secretary of the Commission. Service of
Documents

16 53.-(1) No execution or attachment of process shall be issued
17 against the Commission in any action or suit without the consent of the
18 Attorney-General of the Federation. Restriction on
execution against
property of the
Commission

19 (2) Any sum of money which may be the judgment of any court be
20 awarded against the Commission shall, subject to any direction given, be
21 paid from the general reserve fund of the Commission.

22 54. A member of the Board, the Executive Secretary, any officer or
23 employee of the Commission shall be indemnified out of the assets of the
24 Commission against any proceeding, whether civil or criminal in which
25 judgment is given in his favour, or in which he is acquitted, if any such
26 proceedings is brought against him in his capacity as member of the Board,
27 the Executive Secretary, officer, employee of the Commission. Indemnity of
Officers

28 55. The Executive Secretary may with the approval of the Board
29 engage persons with knowledge or experience in matters relevant to the Engagement of
Professionals
other than Staff

1 functions of the Commission to assist otherwise than on basis of full time
2 employment.

Power of the
Minister to give
direction to the
Commission 3 **56.** The Minister may give to the Commission directives of a general
4 nature with respect to any of its functions.

Interpretation 5 **57.** In this Act, unless the context otherwise requires:
6 "Chairman" means the Chairman of the Commission;
7 "Board" means the Governing Board of the Non-Governmental Organizations
8 Regulatory Commission established by Section 2(1);
9 "Certificate" means certificate of registration issued under this Act;
10 "Council" means the National Council of Voluntary Agencies;
11 "An organization" for the purposes of the Act and of this Schedule, is an
12 independent, non-profit making, non-political and charitable organisation.
13 with the primary objective of enhancing the social, cultural and economic well
14 being of communities, [and the operation of that organisation does not have a
15 religious, political or ethnic bias];
16 "International Non-Governmental Organization" means a Non-Governmental
17 Organization with the original incorporation in one or more countries other
18 than Nigeria, but operates within Nigeria under a certificate of registration;
19 "National Non-Governmental Organization" means a Non-Governmental
20 Organization which is registered exclusively in Nigeria with authority to
21 operate within Nigeria;
22 "Non-Governmental Organization" means a private voluntary grouping of
23 individuals or associations, not operated for profit or for other commercial
24 purposes but which have organized themselves nationally or internationally for
25 the promotion of social welfare, development, charity, or research through
26 mobilization of resources;
27 "Register" means the register of Non-Governmental Organizations maintained
28 by the Board;
29 "Member" means a member of the Commission;

1 "Minister" means the Federal Minister for the time being in charge of
2 Ministry of Interior:

3 "President" means the President of the Federal Republic of Nigeria;

4 58. This Bill may be cited as the Non-Governmental Organisations Citation
5 Regulatory Commission of Nigeria (Establishment) Bill, 2016.

6 SCHEDULE

7 *Section 3 (4)*

8 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

9 *Proceedings of the Commission*

10 1. Subject to this Act and Section 27 of the Interpretation Act the
11 Commission may make standing orders regulating its proceedings or those
12 of its Committees.

13 2. Every meeting of the Commission shall be presided over by the
14 Chairman or if the Chairman is unable to attend a particular meeting, the
15 members present at the meeting shall elect one of their numbers to preside at
16 that meeting.

17 3. The quorum at a meeting of the Commission shall consist of the
18 Chairman (or, in an appropriate case, the person presiding at the meeting
19 pursuant to paragraph 2 of this Schedule) and six other members.

20 4. Where, upon any special occasion, the Commission desires to
21 obtain the advice of any person on any particular matter, the Commission
22 may co-opt that person to be member for as many meetings as may be
23 necessary and that person while so co-opted shall have all the rights and
24 privileges of a member, except that he shall not be entitled to vote or count
25 towards a quorum.

26 *Committees*

27 5.-(1) Subject to its standing orders, the Commission may appoint
28 such number of standing and ad-hoc Committees as it thinks fit to consider
29 and report on any matter with which the Commission is concerned.

30 (2) Every Committee appointed under the provisions of

1 subparagraph (1) of this paragraph, shall be presided over by a member of the
2 Commission and shall be made up of such number of persons, not necessarily
3 members of the Commission, as the Commission may determine in each cases.

4 6. The decision of a Committee shall be of no effect until it is
5 confirmed by the Commission.

6 *Miscellaneous*

7 7. The fixing of the seal of the Commission shall be authenticated by
8 the signature of the Chairman and of the Executive Secretary of the
9 Commission or such other member authorized generally or specially by the
10 Commission to act for that purpose.

11 8. Any contract or instrument which, if made by a person not being a
12 body corporate, would not be required to be under seal, may be made or
13 executed on behalf of the Commission by the Chairman or by any other person
14 generally or specifically authorized by the Commission to act for that purpose.

15 9. Any document purporting to be a contract, instrument or other
16 document signed or sealed on behalf of the Commission shall be received in
17 evidence and, unless the contrary is proved, be presumed, without further
18 proof, to have been so signed or sealed.

19 10. The validity of any proceedings of the Commission or a
20 committee thereof shall not be adversely affected:

21 (a) by any vacancy in the membership of the Commission or
22 Committee;

23 (b) by any defect in the appointment of a member of the Commission
24 or Committee; or

25 (c) by reason that a person not entitled to do so took part in the
26 proceedings.

27 11. Any member of the Commission or a Committee thereof who has
28 a personal interest in any contract or arrangement entered into or proposed to be
29 considered by the Commission or Committee shall forthwith disclose his

- 1 interest to the Commission or Committee and shall not vote on any question
- 2 relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for among other things the establishment of the Non- Governmental Organisations Regulatory Commission of Nigeria for the supervision, co-ordination and monitoring of Non-Governmental Organisations, Civil Society Organisations and Community Based Organisations in Nigeria and for related matters.

PREMIUM TIMES

PREMIUM TIMES