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

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

   (2) The Commission:

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

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

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

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

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

   (a) a Chairman;

   (b) one representative each of the following, who shall not be
below the rank of a Director or its equivalent:

(i) Ministry of Interior;
(ii) Ministry of Justice;
(iii) Ministry of Youth Development;
(iv) Ministry of Health;
(v) Ministry of Agriculture and Rural Development;
(vi) Ministry of Water Resources;
(vii) Ministry of Environment;
(viii) Ministry of Housing and Urban Development;
(ix) three representatives of the Non-Governmental Organisations

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

(x) Six persons of proven integrity, one from each of the six geo-

political zones; and.

c) the Executive Secretary of the Commission who shall be

appointed by the President on the recommendation of the Minister.

(2) The Chairman and Members of the Board of the Commission shall

be:

(a) appointed by the President on the recommendation of the Minister

subject to the confirmation of the Senate;

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

(c) part-time Members except the Executive Secretary who shall be a

full time member.

(3) The supplementary provisions set out in the Schedule to this Bill

shall have effect with respect to the proceedings of the Board and other matters

contained therein.

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

(a) for a term of 4 years and may be reappointed for a further term of 4

years and no more; and

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

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

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

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

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

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

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

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

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

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

6. The Board shall have power to:

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

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

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

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

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

PART 11 - OBJECTS, FUNCTIONS AND POWERS OF THE COMMISSION

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

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

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

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

8. The functions of the Board shall be:

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

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

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

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

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

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

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

(h) to receive, discuss and approve the code of conduct prepared by
the Council for self regulation of the Non-Governmental Organizations and the activities in Nigeria; and

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

9. The Board shall have power:

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

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

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

PART III- REGISTRATION AND LICENSING OF NON-GOVERNMENTAL ORGANIZATIONS

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

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

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

(a) other officers of the organization;
(b) the head office and postal address of the organization;
(c) the sector(s) of the proposed operations;
(d) the location(s) of the proposed activities;
(e) the proposed average annual budget;
(f) the duration of the activities;
(g) all sources of funding;
(h) the national and international affiliation and certificates of incorporation; and

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

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

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

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

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

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

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

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

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

(a) may sue and be sued in its corporate name;
(b) may acquire, hold or dispose of any property, movable and immovable for the purposes of carrying out its functions;

c) entering into contracts; and

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

14. -(1) every certificate issued to an organization shall be in the prescribed form and shall, unless cancelled, be valid for a period of twenty-four months from the date of issue.

Validity

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

15. The Board may refuse registration of an applicant if:

Reject

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

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

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

16. -(1) An organization registered under the Act is responsible for renewing its registration in accordance with the established procedures.

Renewal of Registration

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

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

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

(a) a summary of the final donor project narrative and financial reports;
(b) a specific external project audit undertaken at donor request; and
(c) a copy of the last or the most recent audit of its operations.
(5) The renewal forms should be submitted at least one month before
the expiration of the current registration certificate.
(6) Where there is an unavoidable delay to submit the renewal forms,
the Board will extend the deadline for renewal and may charge a fee for late
application.

17.- (1) An organisation is expected to renew its registration every two
years.
(2) Failure to renew will amount to termination of operations and will
lead to the deletion of the name of the organisation from the register.
(3) Where circumstances cause an organization to suspend its
operations, that fact should be communicated to the Board for necessary
consideration.
(4) The renewal should be completed before the end of the validity of
the certificate of registration.
(5) At the time of issuing a new certificate under this Section, the
Board may vary the terms and conditions attached to the certificate.

18.- (1) The Board may cancel or suspend a certificate issued under
this Act, if it is satisfied that:
(a) the terms or conditions attached to the certificate have been
violated;
(b) the organization has breached this Act;
(c) the Council has submitted a satisfactory recommendation for the
cancellation of the certificate.
(2) Notice of the cancellation or suspension shall be served on the
Organization in respect of whom such cancellation or suspension relates and
shall take effect within fourteen days after the date of that notice.

19.- (1) The Board shall receive and consider application for work
permits in respect of prospective employees of a registered Non-Governmental
Organization and make recommendation to the Comptroller of Immigration
for the issuance of the permit to the applicant.

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

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

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

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

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

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

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

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

22. An organization established by a State or group of States for
welfare, research, relief, public health or other forms of development
23. Any organization registered under this Act shall not be entitled to diplomatic or consular privileges or immunities.

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

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

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

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

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

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

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

(c) comply with the relevant financial legislation, and the funds pledged by the donors must be disclosed before commencement of the implementation of the project, including the mode of disbursement and the conditions attached to the funding by the donor; and where part or all of the
funds are made available directly from the donors or through the overseas
office of the organisation, the transfers must be channelled through the
normal banking system.

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

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

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

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

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

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

27.-(1) The proposals for a project shall contain:
(a) the type of activities to be undertaken by the organization;
(b) the category of the target beneficiaries;
(c) the estimated number of beneficiaries;
(d) the estimated duration of the programmes;
(e) the total sum of money needed for implementation which shall

set out:

(i) the contribution of the organization;
(ii) the contribution of the beneficiary community; and
(iii) any other donations.
(f) the cost of goods and services;
(g) the total number of personnel to implement the project, listing each category;
(h) the list and estimate value of the items that will be imported and will require the waiver of duty;
(i) the total personnel cost;
(j) the implementation strategies;
(k) the signatures of the leaders of the relevant community indicative of the involvement of the community in the formulation process; and
(1) the approval by the relevant Ministry and its recommendation to the Commission.

(2) A project shall not be implemented unless it has been approved by the relevant Ministry and registered with the Commission.

28.- (1) It is the responsibility of the Commission:
(a) to monitor and evaluate the programmes of an organisation;
(b) to co-operate with the relevant Ministries and the other relevant institutions in carrying out its monitoring and evaluating activities;
(c) to establish an Inter-Agency Committee that will meet, at least quarterly, to address relevant issues on programme reviews and national strategic planning;
(d) to establish Sectoral Standing Committees that will meet every quarter to address issues of the sector relating to the operations of the organisations;
(e) to organise monthly meetings of representatives of organisations with the various relevant Ministries to discuss pertinent issues;
(f) to ensure full participation of the beneficiary community and the relevant Ministry in programme formulation and implementation;
(g) to ensure that organisations submit progress and completion
reports for programmes implemented;

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

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

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

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

(3) The Commission shall:

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

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

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

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

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

(4) The funds, as and when released by a donor, should be
transferred from the donor direct to the organisation or through the Head
Office of the organisation to an account in this country in a commercial bank
and placed in a local or foreign account.
(5) The vehicles owned by an organisation shall be registered in the name of the organization, and be clearly marked with the name of the organisation, or with the logo of the organisation.

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

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

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

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

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

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

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

(3) The Commission encourages the use of collaboration with local organizations in programme implementation and will therefore ensure that
other organisations utilise the services of local organisations in the
implementation of programmes meant for those areas.

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

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

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

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

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

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

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

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

(6) The relevant documents will be processed by the duty waiver
Committee for the attention and approval of the Commission for onward transmission to the Ministry of Finance.

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

(a) a distribution plan accompanies the application;

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

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

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

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

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

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

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

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

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

(2) Imported items which are locally produced and are of comparable quality and cost shall not be granted duty waiver except when approved by the relevant Ministry, or required by the donor under an emergency.
(3) The personal effects of the personnel of an organisation will be granted duty waiver only under the normal Customs rules pertaining to first time entrants which rules shall apply for an initial period of six months only.

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

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

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

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

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

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

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

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

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

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

(12) The Commission will not accommodate a request or a permit for the imports of an organisation except for:

(a) perishable goods that show signs of deterioration or are approaching expiration;

(b) emergency supplies that receive status confirmation of the relevant Ministry.

(13) The disposal of items that originally enjoyed duty waiver facility should be communicated to the 'Customs and Excise' under the normal guidelines approved by the Commission.

(14) The Customs and Excise shall cancel the waiver facility already approved where an organization misinforms the Government on imports or there is a disparity between the shipping documents and the goods received.

33.- (1) An organisation is expected to comply fully with the taxation and labour laws and the Agreements and Protocols signed with the Government.

(2) An organisation must submit a renewal application form with a tax clearance certificate issued by the Federal Inland Revenue Service.

(3) Where an organisation is involved in income generating activities and the organisation should declare details of the activities and the income to the Federal Inland Revenue Service for a certificate of exemption and failure to secure the certificate will adversely affect the re-registration possibilities of the organisation.

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

(a) the promotion and development of the human resource capacity of citizens;

(b) protecting the avenues of employment for the benefit of its citizens; and

(c) ensuring continuity of the programmes or activities of organisations or under emergency and periods of insecurity; and accordingly,
organisations are expected to comply with the laws governing immigration

and labour. An organisation shall:

(a) promote the development of human resources and appropriate
technical training by providing employment at all levels for citizens;

(b) submit details of planned training programmes for human
resource development on submission of a renewal application;

(c) exhaust, first, the possibility of employing suitably qualified
citizens before recruiting non-citizens to any position;

(d) ensure that it has an adequate number of citizens at senior
management level with enough authority to ensure continuity of
programmes even in the absence of expatriate seniors in order to assist in
providing the transfer of knowledge and capacity building;

(e) ensure that only citizens and the citizens of countries are
forming the Economic Community of West States employed in middle and
junior staff positions;

(f) limit the use of international consultants only to disciplines for
which local expertise is not available.

(3) The wishes of a donor will be respected in case of a conflict with
subparagraph (2) only if those wishes are promptly and properly
communicated to the Commission and the Ministry responsible for labour.

(4) Where an emergency is declared by the President under the
Constitution, the Ministry, on the advice of the relevant Ministry, shall
recommend the application for the recruitment of non-citizens by an
organisation to the Commission. Personnel so employed shall be allowed
temporary resident status in conformity with the relevant immigration laws.

(5) The recruiting organisation is responsible for the immediate
repatriation of the expatriate employee and the immigration authorities shall
be informed accordingly.

(6) Where the recruiting organization fails to repatriate the
expatriate employee, the immigration authorities shall repatriate that
employee, and the cost of the repatriation is a debt due to the immigration
authorities.

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

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

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

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

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

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

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

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

(4) The Council shall prescribe rules and procedures for audit of the
accounts of Non-Governmental Organizations, which rules shall be submitted
to the Board for ratification.
(5) The Code of Conduct shall prescribe the responsibilities of the Council which, once approved by the Board, shall be construed as obligations under this Act.

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

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

PART V - TRANSITIONAL ARRANGEMENTS

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

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

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

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

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

(2) the Executive Secretary shall be:

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

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

(3) The Executive Secretary may, subject to the provisions of this
Act and to any special or general directions of the Commission, delegate any of
his functions to any employee of the Commission.

40.- (1) The Executive Secretary shall be appointed for a term of 5
years in the first instance and may be reappointed for a further term of 5 years
and no more.

(2) The Executive Secretary shall:

(a) be paid such remuneration as may be prescribed in his letter of
appointment; and

(b) ensure compliance with the provisions of this Act.

41.- (1) The Board shall appoint for the Commission, such other
officers and other staff as it may from time to time deem necessary for the
purposes of the Commission;

(2) The terms and conditions of service (including, terms and
conditions as to remuneration, allowances, retiring benefits and discipline) of
the Executive Secretary and other staff of the Commission shall be such as may
be determine from time to time, by the Commission.

(3) The Commission shall determine the remuneration and tenure of
office of its employees.

(4) The Commission may accept any member of staff by way of
transfer, secondment or deployment from any public service of the Federal,
State or Local Government approved establishments.

42. Notwithstanding the provisions to Section 29, the Board shall
have power to appoint for the Commission either directly or on secondment
from any Public Service in the Federation, such number of employees (as may,
in the opinion of the Board) be required to assist the Commission in the
discharge of any of its functions under this Act.

43. Service in the Commission shall be approved service for the
purpose of the Pension Reform Act, 2004 and accordingly, officers employed
in the Commission shall in respect of their service in the Commission be
titled to pension, gratuity and other retirement benefits.
44.- (1) There shall be established in the Head Office of the Commission the following Departments:

(a) Finance and Accounts;

(b) Planning, Research and Statistics;

(c) Information and Publicity;

(d) Community Relations;

(e) Legal;

(f) Personnel Management; and

(g) Procurement.

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

PART VII - FINANCIAL PROVISIONS

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

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

(a) all such sums as may from time to time be granted to the Commission by the Federal Government;

(b) sums accruing to the Commission by way of grants, subsidies, donations, testamentary, gifts and endowment or otherwise;

(c) rents, fees and internally generated revenue from services rendered by the Commission;

(d) loans and grant-in-aid from national, bilateral and multilateral agencies; and

(e) all other sum as may, from time to time, accrue to the Commission.

46.- (1) The Commission may, from time to time, borrow such sums it may require in the execution of its functions under this Act:
(2) the Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be prescribed by the person or organization making the gift.

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

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

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

48. The Commission shall:

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

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

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

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

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

50. The Commission shall submit to the President through the Minister not later than 30th June, of each financial year, a report of its activities during the preceding financial year, and it shall include a copy of the audited accounts of the Commission for that year and a copy of the auditor's report on it.
PART VII - MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

55. The Executive Secretary may with the approval of the Board engage persons with knowledge or experience in matters relevant to the
functions of the Commission to assist otherwise than on basis of full time employment.

56. The Minister may give to the Commission directives of a general nature with respect to any of its functions.

57. In this Act, unless the context otherwise requires:

"Chairman" means the Chairman of the Commission;

"Board" means the Governing Board of the Non-Governmental Organizations Regulatory Commission established by Section 2(1);

"Certificate" means certificate of registration issued under this Act;

"Council" means the National Council of Voluntary Agencies;

"An organization" for the purposes of the Act and of this Schedule. is an independent, non-profit making, non-political and charitable organisation.

with the primary objective of enhancing the social, cultural and economic well being of communities, and the operation of that organisation does not have a religious, political or ethnic bias;

"International Non-Governmental Organization" means a Non-Governmental Organization with the original incorporation in one or more countries other than Nigeria, but operates within Nigeria under a certificate of registration;

"National Non-Governmental Organization" means a Non-Governmental Organization which is registered exclusively in Nigeria with authority to operate within Nigeria;

"Non-Governmental Organization" means a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the promotion of social welfare, development, charity, or research through mobilization of resources;

"Register" means the register of Non-Governmental Organizations maintained by the Board;

"Member" means a member of the Commission;
"Minister" means the Federal Minister for the time being in charge of
Ministry of Interior:

"President" means the President of the Federal Republic of Nigeria:

58. This Bill may be cited as the Non-Governmental Organisations

SCHEDULE

Section 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

Proceedings of the Commission

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

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

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

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

Committees

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

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

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

Miscellaneous

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

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

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

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

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

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

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

11. Any member of the Commission or a Committee thereof who has
a personal interest in any contract or arrangement entered into or proposed to be
considered by the Commission or Committee shall forthwith disclose his
interest to the Commission or Committee and shall not vote on any question
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.