

NIGERIAN RED CROSS SOCIETY BILL, 2018

ARRANGEMENT OF SECTIONS

Section

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A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN RED CROSS SOCIETY ACT 1960 AND TO ENACT THE NIGERIAN RED CROSS SOCIETY ACT 2018 AND FOR RELATED MATTERS

Sponsored by Hon. Samuel Ikon

[] Commencement

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

1 1.-(1) There is hereby established a society to be known as the Incorporation of
2 Nigerian Red Cross Society (in this Bill referred to as "the Society") which the Nigeria Red
3 shall be a body corporate with perpetual succession and a common seal and Cross Society
4 with power to sue and be sued in its corporate name and, subject to the
5 provisions of this Bill, of performing all such acts as bodies corporate may
6 by law perform.

7 (2) The Society shall for all purposes be the successor to the
8 Nigerian Red Cross Society (Cap N130 Laws of the Federation of Nigeria)
9 on the date of the commencement of this Bill. All assets, claims and
10 liabilities shall be deemed to have been transferred to and vested in the
11 Nigerian Red Cross Society on the adoption of the present Bill.

12 2.-(1) The Society shall be recognised by the Government of the Recognition as
13 Federation as a voluntary aid society, auxiliary to the public authorities in Voluntary Aid
14 the humanitarian field on the basis of and in accordance with Geneva Society
15 Conventions of 1949 and their Additional Protocols of 1977 and any other
16 treaty, convention or protocol similar in purpose to which the Federal
17 Republic of Nigeria is a party as well as the Statutes of the Movement and
18 Resolutions adopted by the International Conference of the Red Cross and
19 Red Crescent.

20 (2) The Society is hereby authorised with or without the co-

1 operation of any other society, organisation or association which may have
2 been accorded similar powers by an Act of the National Assembly, to act in
3 matters of relief under the said treaties, conventions or protocols

4 (3) The Society shall be the only national Red Cross Society or Red
5 Crescent recognized by the authorities of the Federal Republic of Nigeria and
6 shall carry out its activities across the entire territory of the Federal Republic of
7 Nigeria.

8 (4) The Society shall be authorised to use the emblem of the red cross
9 on a white background and the designation "Red Cross" for all the purposes
10 foreseen by the International Conference of the Red Cross and Red Crescent, in
11 conformity with the Geneva Conventions of 1949 and their Additional
12 Protocols of 1977 and 2005, the 1991 "Regulations on The Use of The Emblem
13 by National Societies" adopted by the International Conference of the Red
14 Cross and Red Crescent and the present Bill.

15 (5) The Society shall make use for indicative purposes of a distinctive
16 logo and seal consisting of the Red Cross on a white background surrounded
17 with the words "Nigerian Red Cross Society" (or any abbreviation thereof).

18 (6) A protective sign of a green alphabet 'H' on a white background
19 shall be used by healthcare facilities and healthcare personnel who provide
20 medical services to the wounded and the sick, including during armed conflict
21 and emergencies as a visible sign of protection.

22 (7) Public authorities shall at all times respect the adherence by the
23 Society to the Fundamental Principles of the International Red Cross and Red
24 Crescent Movement as required by Resolution 55(1) adopted by the General
25 Assembly of the United Nations (1946).

26 (8) The assets of the Society, including its financial resources and real
27 estate as well as the revenue from its income generating activities, donations,
28 contributions, assistance, aids and gifts shall be exempted from all taxes and
29 duties. The Society shall be exempted from the obligation to pay import duty.

30 (9) Public authorities shall as appropriate make provisions for

1 covering the cost of any service or activity that they may entrust to the
2 Society within the scope of the Society's objects and functions.

3 3.-(1) The general objects of the Society shall be:

Objects of the
Society

4 (a) To provide humanitarian aid and relief to victims of armed
5 conflicts, to the sick and wounded of armed forces and among non-
6 belligerents, to prisoners of war and civilian sufferers from the effects of war
7 and those who are entitled to assistance in accordance with the 1949 Geneva
8 Conventions and their Additional Protocols of 1977, the Statutes of the
9 Movement and any other treaty, convention or protocol similar in purpose to
10 which the Federal Republic of Nigeria has given or may give its adhesion;

11 (b) To perform all the duties devolved upon a national society by
12 each nation which has acceded to the said treaties, conventions and
13 protocols and which have been assigned to them in the Statutes of the
14 Movement as well as subsequent Resolutions made at the International
15 Conference of the Red Cross and Red Crescent;

16 (c) In time of peace or war, to carry on and assist in work for the
17 improvement of health, the prevention of disease and mitigation of suffering
18 throughout the world;

19 (d) To render assistance to the medical services of the armed forces
20 in times of armed conflict in accordance with the first Geneva Convention;

21 (e) To prevent and help alleviate the suffering of any person
22 without any adverse discrimination as to nationality, race, ethnicity,
23 religious belief, colour, status, wealth, sex, language or political opinion, or
24 similar criteria;

25 (f) To act as a leading organization and to take part in national
26 preparedness and humanitarian response plans in situations of armed
27 conflict and other situations of violence, natural or man-made disasters and
28 other emergencies, which may strike within the territory of the Federal
29 Republic of Nigeria;

30 (g) To provide community services to the general population

1 through the Society's own programs in such fields as health, the prevention of
2 diseases, social welfare and education;

3 (h) To manage an effective national network to restore family links
4 between people separated as a consequence of armed conflict, other situations
5 of violence, natural or man-made disasters or other situations requiring a
6 humanitarian response;

7 (i) To cooperate with the public authorities and public service
8 personnel in the national application and implementation of international
9 humanitarian law, and to ensure the protection of the Red Cross and of other
10 distinctive emblems and designations recognized under the 1949 Geneva
11 Conventions and their Additional Protocols;

12 (j) To promote and disseminate international humanitarian law, the
13 Fundamental Principles and the spirit of volunteerism;

14 (k) To conduct other activities consistent with the foregoing objects.

15 (2) The particular objects of the Society shall be defined by rules
16 made by the Central Council of the Society in accordance with the provisions
17 of this Bill:

18 Provided that nothing in such objects shall be inconsistent with the
19 provisions of this Bill or with the spirit and intention of the said treaties,
20 conventions and protocols.

Powers of the
Society

21 4.-(1) In pursuance of the Objects the Society shall have the following
22 powers, namely:

23 (a) To act as an autonomous auxiliary to the public authorities in the
24 humanitarian field;

25 (b) To enhance respect for humanitarian values and human dignity
26 and disseminate knowledge of the Fundamental Principles and of International
27 Humanitarian Law through publications, education programmes and in other
28 ways;

29 (c) To co-operate with government to ensure respect for International
30 Humanitarian Law and to protect the Red Cross and Red Crescent emblems al

1 and designations, and any other distinctive emblems, signs and signals
2 established under International Humanitarian Law;

3 (d) To solicit and receive donations, subscriptions, grants and gifts
4 of all kinds, whether absolute or conditional, and to obtain money by any
5 legal means which are in conformity with the principles, policies and
6 regulations of the Movement and of the Society;

7 (e) To acquire any interest whatsoever in any real or personal
8 property whatsoever and wheresoever anywhere in the world and subject to
9 all such consents as are by law required to sell, lease, mortgage or otherwise
10 deal with or exchange and then to account for all or any part thereof and to
11 construct, provide, maintain, repair and alter any buildings, works, ships,
12 stores, plants and things which may from time to time be necessary for the
13 fulfilment of the Objects;

14 (f) To acquire any real or personal property upon trust for any of its
15 constituent parts or upon any special trusts within its Objects;

16 (g) To carry on trade insofar as that trade is exercised in the course
17 of or ancillary to the carrying out of the Objects and is in conformity with the
18 principles, policies and regulations of the Movement and of the Society;

19 (h) To exercise the powers of delegation;

20 (i) To exercise the powers of investment;

21 (j) To enter into and/or utilise all forms of financial instruments
22 where that is necessary or desirable in the course of actually carrying out the
23 Society's purposes;

24 (k) To appoint such persons for such purposes as the Society may
25 think fit and in particular to make proper and reasonable provisions for
26 pensions and superannuation for employees of the Society and their
27 dependants (whether as employees, consultants or otherwise) on reasonable
28 terms and for reasonable remuneration and/or compensation;

29 (l) To make and carry out any arrangement for joint working or in
30 co-operation with any other association or body, whether incorporated or

1 not, carrying on work similar to any work for the time being carried on by the
2 Society in accordance with the principles, policies and regulations of the
3 Movement;

4 (m) To establish and support or aid in the establishment and support of
5 other charitable associations or institutions carrying on in any part of the world
6 charitable work similar to any work for the time being carried on by the Society
7 in line with the Fundamental Principles;

8 (n) To fulfil the obligations and responsibilities of National Societies
9 to facilitate the work of the International Federation of Red Cross and Red
10 Crescent Societies, the International Committee of the Red Cross and other
11 Movement partners within Nigeria in order to allow for the fulfilment of each
12 respective organisation's mandate;

13 (o) To draw, accept, endorse, issue or execute promissory notes, bills
14 of exchange, bills of lading, warrants and other negotiable, transferable or
15 mercantile instruments;

16 (p) Subject to such consents as may be required by law to sell, to
17 borrow or raise money on such terms and on such security as may be thought
18 fit;

19 (q) To give any guarantees or indemnities to any person or persons,
20 corporation or body transferring any property to the Society and to
21 compromise all disputes or differences between any such person or persons,
22 corporation or body and the Society;

23 (r) To publish or disseminate any items in any media, to organise
24 lectures, broadcasts, courses of instruction and examinations and to issue
25 certificates in respect of such examinations with the concurrence of the
26 appropriate Ministry, Department or Agency of Government;

27 (s) To apply and dispose of the capital and income of the monies and
28 other property, whether real or personal, from time to time vested in or
29 belonging to the Society for and towards the proper and effective carrying out
30 of the Objects or any of them;

1 (t) To establish State Branches and recognise local government
2 divisions.

3 (u) To adopt internal Regulations on the use of the emblem and of
4 the Society's logo, as well as authorise clothing and badges of the Society to
5 be worn by members, staff and volunteers in accordance with such
6 regulations as the Council may prescribe from time to time;

7 (v) To incorporate a subsidiary company to carry on any trade for
8 the purpose of raising funds for the Society as a distinct legal personality
9 without the use of the Society's logo or emblem;

10 (w) Generally to do all other lawful acts in furtherance of the
11 Objects or any of them which are in accordance with the Fundamental
12 Principles and the mandate of the Movement;

13 (2) The Council shall have the power to make such rules as appear
14 necessary for carrying out the objects of the Society and in particular, and
15 without prejudice to the generality of the foregoing, for providing for:

16 (a) the particular objects of the Society in accordance with the
17 provisions of this Bill;

18 (b) the organisation and functions of branches and divisions of the
19 Society;

20 (c) rules for the internal governance of the Society and its organs;

21 (d) the appointment and duties of officers of the Society;

22 (e) the custody of the property of the Society and the keeping and
23 auditing of accounts;

24 (f) the use of the Red Cross emblem and badge by officers and
25 members of the Society in accordance with the applicable provisions in this
26 and other related Acts;

27 (g) the making of appeals to the public for financial or other
28 support for the Society;

29 (h) the terms on which the Society may accept grants or
30 subventions from governments or other public authorities;

1 (i) the terms on which the Society may associate with other voluntary
2 organisations for any purpose which is included among the purposes of the
3 Society;

4 (j) the qualifications and functions of members of the Society and
5 their organisation in various classes according their qualifications:

6 Provided that the Society shall not withhold membership from any
7 citizen of Nigeria on grounds of race, ethnicity, gender, class, religious beliefs,
8 language or political opinions or similar criteria.

9 (3) All Rules made under this sub-section shall be such as to ensure
10 the impartiality and independence of the Society and in conformity with the
11 Fundamental Principles and the mandate of the National Society in compliance
12 with relevant treaties.

13 (4) Notwithstanding anything contained in section 10 of the
14 Interpretation Act, it shall not be necessary for any rules made by the Council
15 under this sub-section to be published in the Federal Gazette but a copy of such
16 rules be furnished to the Minister responsible for defence.

Government
of the Society

17 5.-(1) The supreme governing body of the Society shall be a Central
18 Council with all powers of governing, directing and overseeing the
19 management of the business and affairs of the Society as set out in the Statutes
20 of the Society.

21 (2) The Central Council shall consist of not less than 100 members
22 drawn as outlined in the Statutes of the Society.

23 (3) There shall be a Governance Board which advise the Central
24 Council and oversee the running of the National Society between sessions of
25 the Central Council

26 (4) The Secretary General shall be the Secretary of the Governance
27 Board and the Central Council.

28 (5) Representatives of relevant Federal Government Ministries,
29 Departments and Agencies (including security agencies), Branch Secretaries
30 and other persons as may be determined by the Central Council may be invited

1 as observers as needed and in line with the independence of the National
2 Society.

3 (6) The rules for the internal governance of the Society shall be
4 formulated and adopted by the Council as the Statutes of the Society.

5 (7) The President and Commander-in-Chief of the Armed Forces
6 of the Federal Republic of Nigeria shall be the Grand Patron of the Society,
7 State Governors shall be Patrons of their respective state Branches of the
8 Society and the Minister of the Federal Capital Territory shall be the Patron
9 of Abuja Branch.

10 6.-(1) Any person who falsely or fraudulently:

Offences

11 (a) holds himself out to be or knowingly allows himself to be
12 supposed to be a member of or an agent for the Society for the purpose of
13 soliciting, collecting or receiving money or material; or

14 (b) wears or displays the emblem of the Red Cross on any article of
15 clothing, badge, piece of paper, or in any other way whatsoever, or any
16 insignia coloured in imitation thereof in such a way as to be likely to deceive
17 those to whom it is visible, for the purpose of inducing the belief that he is a
18 member of, or an agent for the Society, or that he been recognised by the
19 Society as possessing any qualification, for administering first aid or other
20 treatment for the relief of sickness, commits of an offence and is liable on
21 conviction to a fine not exceeding N 100,000 or to imprisonment for a term
22 of two years, or to both such fine and imprisonment and the object bearing
23 the emblem be confiscated.

24 (2) Whoever assaults or uses criminal force to any staff or
25 volunteer of the Society or healthcare personnel while providing medical
26 assistance to the wounded or the sick or while carrying out any medical
27 function or with intent to prevent or deter that person from providing such
28 assistance or carrying out such medical function commits of an offence and
29 is liable on conviction to a fine not exceeding N200,000 or to imprisonment
30 for a term of three years, or to both such fine and imprisonment.

Repeal of Cap. N130 LFN	1	7.-(1) The Nigerian Red Cross Society Act, 1961 is hereby repealed.
	2	(2) Without prejudice to section 6 of the Interpretation Act, repeal of
	3	the Act referred to in subsection (1) of this section shall not affect the legality or
	4	validity of any act, deed or thing lawfully done under the provisions thereof.
Interpretation	5	8. In this Bill, except where the context otherwise requires:
	6	"Council" means the Central Council of the Society, the supreme governing
	7	body of the Society, established by section 7 subsections (1)(2) of this Bill;
	8	"Fundamental Principles" means the Seven Fundamental Principles of the
	9	Movement: Humanity, Impartiality, Neutrality, Independence, Voluntary
	10	Service, Unity and Universality;
	11	"Health care facilities" means the whole or part of a public or private
	12	institution, facility, transport, building or place, whether for profit or not, that is
	13	operated or designed to provide inpatient or outpatient treatment, diagnostic or
	14	therapeutic interventions, nursing, rehabilitative, palliative, convalescent,
	15	preventive or other health service;
	16	"Health care personnel" means health care providers or health workers;
	17	"Members" means persons admitted to membership of the Society in
	18	accordance with the Statutes of the Society:
	19	"Movement" means the International Red Cross and Red Crescent Movement;
	20	"Objects" means the objects of the Society as set out in section 5(1)(2) of this
	21	Bill;
	22	"The Society" means the Nigerian Red Cross Society established under this
	23	Bill;
	24	"Statutes" means rules of the Society made by the Council for the governance
	25	and organization of the Society;
	26	"Zonal Chairman" means a Branch Chairman elected by Branch Chairmen
	27	from a geo-political zone to represent the zone in some organs of the Society.
Short title	28	9. This Bill may be cited as the Nigerian Red Cross Society Bill,
	29	2018.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigerian Red Cross Society Act 1960 and to enact the Nigerian Red Cross Society Act, 2018.