

CIVIL SOCIETIES COMMISSION (ESTABLISHMENT) BILL, 2016

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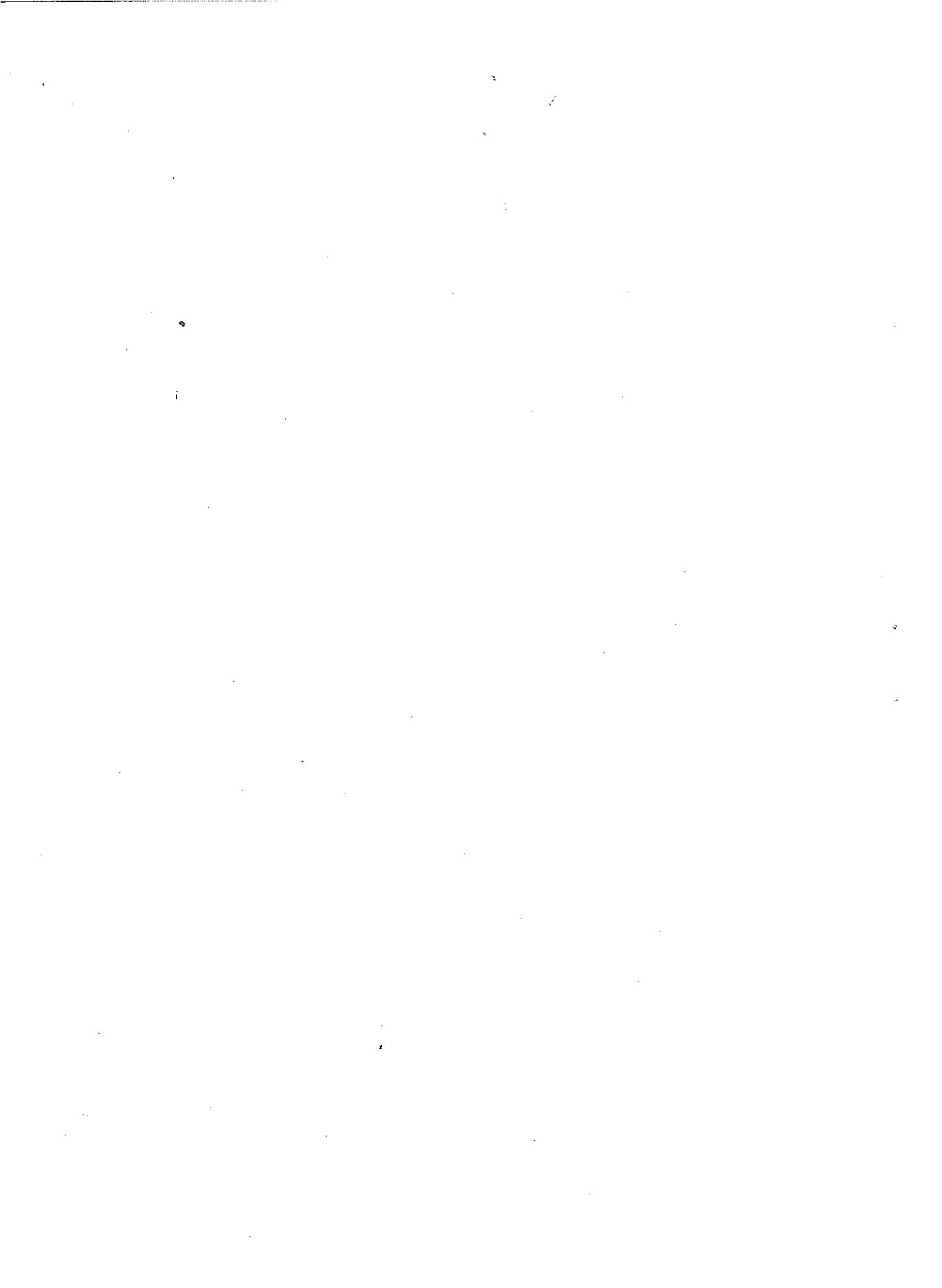
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SCHEDULE



A BILL

FOR

AN ACT TO ESTABLISH THE CIVIL SOCIETIES COMMISSION AND FOR RELATED MATTERS

Sponsored by Hon. Douye Diri

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CIVIL SOCIETIES COMMISSION

2 1.-(1) There is established a Commission to be known as the Civil
3 Societies Regulatory Commission (in this Bill referred to as "the
4 Commission").

Establishment of the Commission and location of the headquarters

5 (2) The Commission-

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

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

9 (c) may acquire, hold or dispose of any moveable or immoveable
10 property for the purpose of its functions under this Bill.

11 (3) The headquarters of the Commission shall be located in the
12 Federal Capital Territory, Abuja.

13 2.-(1) There shall be established for the Commission a Governing
14 Council (hereinafter referred to as "the Council") which shall be responsible
15 for running the affairs of the Commission.

Establishment of the Commission's Governing Council

16 (2) The Council shall consist of-

17 (a) a Chairman;

18 (b) one person representing each of the six geo-political zones of
19 the country;

1 (c) two persons to represent all the Civil Society Organisations in the
2 country;

3 (d) a representative of persons with physical challenges;

4 (e) two representatives of all government recognized youth
5 organisations to be recommended by the National Youth Council of Nigeria;

6 (f) a representative of the following Federal establishments not below
7 the rank of a Director-

8 (i) the National Planning Commission,

9 (ii) Federal Ministry of Women Affairs,

10 (iii) Federal Ministry of Justice,

11 (iv) Federal Ministry of Education,

12 (v) Federal Ministry of Health,

13 (vi) the Federal Character Commission; and

14 (f) the Executive Secretary of the Commission.

15 (3) The Chairman and members of the Council other than ex-officio
16 members shall be:

17 (a) appointed by the President subject to confirmation by the Senate;

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

19 (c) part-time members except the Executive Secretary who shall be a
20 full-time member.

Tenure of office,
etc.

21 3.-(1) The Chairman and other members of the Council, other than the
22 Executive Secretary and ex-officio members, shall hold office-

23 (a) for a term of four years and may be re-appointed for a further term
24 of four years and no more; and

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

27 (2) The Executive Secretary shall-

28 (a) hold office for a term of five years and may be re-appointed for a
29 further term of five years and no more;

30 (b) be paid such remuneration as may be prescribed in the letter of

1 appointment; and

2 (c) The ex-officio members may be replaced by their nominating
3 organisations at any time provided the Executive Secretary is informed four
4 weeks before the replacement is made.

5 4.-(1) Notwithstanding the provisions of section 3 of this Bill, a
6 member of the Council may, at any time, be removed from office by the
7 President on the occurrence of any of the following-

Removal from
office

8 (a) if the member becomes bankrupt;

9 (b) if the member is convicted for a felony or any offence involving
10 fraud or dishonesty;

11 (c) where the member becomes of unsound mind or is incapable of
12 carrying out his duties;

13 (d) if the member is guilty of a serious misconduct in relation to his
14 or her duties; or

15 (e) in case of a person who has a professional qualification, the
16 basis of which he or she was appointed, he or she is disqualified or
17 suspended, other than at his or her own request, from practicing the
18 profession in any part of the world by an order of competent authority made
19 in respect of that member.

20 (2) A member of the Council may be removed by the President if
21 the President satisfied that it is not in the interest of the Commission or that
22 of the public that member should continue in office.

23 (3) A member of the Council may resign his or her appointment by
24 a notice in writing by him or her addressed to the President and that member
25 shall, on the date of the receipt of that letter by the President, cease to be a
26 member of the Council.

27 (4) Where a member of the Council ceases to hold office for any
28 reason whatsoever before the expiration of the term for which he or she was
29 appointed, another person to represent the same interest as that member
30 shall be appointed to the Council for the unexpired term.

Emoluments

1 5. Members of the Council shall be paid such allowances and benefits
2 as the Revenue Mobilization, Allocation and Fiscal Commission shall from
3 time to time direct.

Powers of the
Council

4 6.-(1) The Council shall have power to-
5 (a) formulate the general policies and guidelines relating to the
6 functions of the Commission;
7 (b) manage and superintend the affairs of the Commission;
8 (c) subject to the provisions of the Bill, make, alter and revoke rules
9 and regulations for carrying on the functions of the Commission;
10 (d) in accordance with the extant provisions for the Civil Service of
11 the Federation, fix terms and conditions of service, including remuneration, of
12 the employees of the Commission;
13 (e) in accordance with the provisions of this Bill, do such other things
14 which, in the opinion of the Council, are necessary to ensure efficient
15 performance of the functions of the Commission.

16 (2) The supplementary provisions set out in the Schedule to this Bill
17 shall have effect with respect to the proceedings of the Council and the other
18 matters contained in it.

19 PART II - OBJECTIVES, FUNCTIONS AND DUTIES OF THE COMMISSION

Objectives of the
Commission

20 7. The objectives of the Commission shall be to-
21 (a) increase public trust and confidence in civil societies;
22 (b) promote awareness and understanding of the operation of public
23 benefit requirement of civil societies;
24 (c) promote compliance by civil society trustees with their legal
25 obligations in exercising control and management of the administration of their
26 Civil societies;
27 (d) promote effective use of civil society resources; and
28 (e) enhance accountability by civil societies to donors, beneficiaries
29 and the general public.

- 1 8. The Commission shall have the following general functions- Functions of the
Commission
- 2 (a) determining whether institutions are or are not civil societies;
- 3 (b)(i) encouraging and facilitating better administration of civil
- 4 societies and giving such advice or guidance with respect to the
- 5 administration of civil societies as it considers appropriate;
- 6 (ii) any advice or guidance so given may relate to-
- 7 (a) civil societies generally,
- 8 (b) any class of civil societies, or
- 9 (c) any particular civil society,
- 10 and may take such form, and be given in such manner, as the Commission
- 11 considers appropriate;
- 12 (d) identifying and investigating apparent misconduct or
- 13 mismanagement in the administration of civil societies and taking remedial
- 14 or protective action in connection with misconduct or mismanagement in
- 15 the administration of any civil society;
- 16 (e) determining whether public collections certificates should be
- 17 issued to any civil society, and remain in force, in respect of public
- 18 charitable collections;
- 19 (f) maintaining an accurate and up-to-date register of civil
- 20 societies;
- 21 (g) obtaining, evaluating and disseminating information in
- 22 connection with the performance of any of the Commission's functions or
- 23 meeting any of its objectives;
- 24 (h) giving information or advice, or making proposals, to any
- 25 Federal or State Ministry, Department or Agency on matters relating to any
- 26 of the Commission's functions or meeting any of its objectives; and
- 27 (i) complying, so far as is reasonably practicable, with any request
- 28 made by appropriate organisations for information or advice on any matter
- 29 relating to any function of the Commission.

Duties of the
Commission

- 1 9. The Commission shall have the following general duties-
- 2 (1) The Commission shall, so far as is reasonably practicable, in
- 3 performing its functions, act in a way-
- 4 (a) which is compatible with its objectives;
- 5 (b) which it considers most appropriate for the purpose of meeting
- 6 those objectives; and
- 7 (c) which is compatible with the encouragement of-
- 8 (i) all forms of charitable giving, and
- 9 (ii) Voluntary participation in charity work.
- 10 (2) In performing its functions the Commission shall-
- 11 (a) have regard to the need to use its resources in the most efficient,
- 12 effective and economic way;
- 13 (b) so far as relevant, have regard to the principles of best regulatory
- 14 practices, including the principles under which regulatory activities should be
- 15 proportionate, accountable, consistent, transparent and targeted only at cases
- 16 in which action is needed;
- 17 (c) in appropriate cases, have regard to the desirability of facilitating
- 18 innovation by or on behalf of civil societies.
- 19 (3) In managing its affairs, the Commission shall have regard to such
- 20 generally accepted principles of good corporate governance as is reasonably
- 21 applicable to it.

22 PART III - REGISTRATION AND NAMES OF CIVIL SOCIETIES

The Register

- 23 10.-(1) There shall be a register of civil societies, to be kept by the
- 24 Commission in such manner as it thinks fit.
- 25 (2)The register shall contain-
- 26 (a) the name of every civil society registered in accordance with this
- 27 Bill, and
- 28 (b) such other particulars of, and such other information relating to,
- 29 every such civil society as the Commission thinks fit.
- 30 (3)(a) The Commission shall make regulations for the registration of

1 civil societies in the Commission;

2 (b) In making the regulations, the Commission shall take into
3 consideration its duties under this Bill.

4 11.-(1) If a civil society required to be registered by virtue of an
5 existing Act prior to the commencement of this Bill is not registered, the
6 Civil society's trustees must-

Duties of trustees
in connection with
registration

7 (a) apply to the Commission for the civil society to be registered,
8 and

9 (b) supply the Commission with the required documents and
10 information.

11 (2) The required documents and information are-

12 (a) copies of the civil society's trusts or, if they are not set out in any
13 extant document, particulars of them,

14 (b) such other documents or information as may be prescribed by
15 regulations made by the Commission and approved by the President, and

16 (c) such other documents or information as the Commission may
17 require for the purposes of the application.

18 (3) If an institution was registered as a civil society, the civil
19 society's trustees (or the last civil society's trustees) shall-

20 (a) supply the Commission with details of the registration and the
21 accompanying documents;

22 (b) notify the Commission if the institution had ceased to exist, or if
23 there has been any change in its trusts or in the particulars of it entered in the
24 former register, and

25 (c) so far as appropriate, supply the Commission with particulars of
26 any such change and copies of any new trusts or alterations of the trusts.

27 12.-(1) A person who is or may be affected by the registration of an
28 institution as a civil society may, on the ground that it is not a civil society-

Claims and
objections to
registration

29 (a) object to its being entered in the register by the Commission, or

30 (b) apply to the Commission for it to be removed from the register.

1 (2) Provision may be made by regulations made by the Commission
2 as to the manner in which any such objection or application is to be made,
3 prosecuted or dealt with.

4 (3) If there is any appeal against any decision of the Commission to-

5 (a) enter an institution in the register, or

6 (b) remove an institution from the register until the Commission is
7 satisfied whether the decision of the Commission is or is not to stand, the entry
8 in the register-

9 (a) is to be maintained, but

10 (b) shall be in suspense and shall be marked to indicate that it is in
11 suspense.

12 (4) Any question affecting the registration or removal from the
13 register of an institution may be considered afresh by the Commission, if it
14 appears to the Commission that-

15 (i) there has been a change of circumstances, or

16 (ii) the decision is inconsistent with a later judicial decision.

Effect of
registration

17 **13.**-(1) For all purposes other than rectification of the register, an
18 institution is conclusively presumed to be or to have been a civil society at any
19 time when it is or was on the register.

20 (2) For the purposes of subsection (1) an institution is to be treated as
21 not being on the register during any period when the entry relating to it is in
22 suspense.

Right to inspect
register

23 **14.**-(1) The register, including the entries cancelled when institutions
24 are removed from the register, shall be open to public inspection at all
25 reasonable times.

26 (2) If any information contained in the register is not in documentary
27 form, subsection (1) is to be read as requiring the information to be available
28 for public inspection in legible form at all reasonable times.

29 (3) Copies or particulars of the trusts of any registered civil society as
30 supplied to the Commission in connection with its registration shall, so long as

1 the civil society remains on the register-

2 (a) be kept by the Commission, and

3 (b) be open to public inspection at all reasonable times.

4 PART IV - POWERS OF THE COMMISSION

5 15.-(1) The Commission may by order published in the Official
6 Gazette remove the name of a civil society that in its opinion has ceased to
7 exist.

Power to remove
defunct institutions
from register

8 (2) Before making the publication as stated in subsection (1) of this
9 section, the Commission shall satisfy itself that the civil society has actually
10 ceased to exist.

11 (3) The onus is on the trustees of the civil society to satisfy the
12 Commission that it has not ceased to exist.

13 16.-(1) The Commission may give a direction requiring the name
14 of a civil society to be changed, within such period as is specified in the
15 direction, to such other name as the civil society trustees may determine
16 with the approval of the Commission.

Power to require
name to be
changed

17 (2) Subsection (1) of this section applies to a civil society if-

18 (a) it is a registered civil society and its name ("the registered
19 name")-

20 (i) is the same as, or

21 (ii) is in the opinion of the Commission too like, the name, at the
22 time when the registered name was entered in the register in respect of the
23 civil society, of any other civil society whether registered or not;

24 (b) the name of the civil society is in the opinion of the Commission
25 likely to mislead the public as to the true nature of-

26 (i) the purposes of the civil society as set out in its trusts; or

27 (ii) the activities which the civil society carries on under its trusts in
28 pursuit of those purposes;

29 (c) the name of the civil society includes any word or expression
30 for the time being specified in regulations made by the Commission and the

1 inclusion in its name of that word or expression is in the opinion of the
 2 Commission likely to mislead the public in any respect as to the status of the
 3 civil society;

4 (d) the name of the civil society is in the opinion of the Commission
 5 likely to give the impression that the civil society is connected in some way
 6 with the Federal or State Government or any local authority, or with any other
 7 body of persons or any individual, when it is not so connected; or

8 (e) the name of the civil society is in the opinion of the Commission
 9 offensive.

10 (3) Any direction given by virtue of subsection (2)(a) of this section
 11 must be given within 12 months of the time when the registered name was
 12 entered in the register in respect of the civil society.

13 (4) In subsection (2) of this section any reference to the name of a civil
 14 society is, in relation to a registered civil society, a reference to the name by
 15 which it is registered.

16 (5) Any direction given under this section with respect to a civil
 17 society must be given to the civil society trustees.

Duty of civil
 society trustees
 on receiving
 direction unde
 S.16

18 17.-(1) On receiving a direction under section 16 of this Bill the civil
 19 society trustees must give effect to it regardless of anything in the trusts of the
 20 civil society.

21 (2) If the name of any civil society is changed by virtue of section 16 of
 22 this Bill, the civil society trustees must without delay notify the Commission
 23 of-

24 (a) the civil society's new name, and

25 (b) the date on which the change occurred.

Change of name
 not to affect
 existing rights
 and obligations,
 etc.

26 18.-(1) A change of name by a civil society by virtue of section 16 of
 27 this Bill does not affect any rights or obligations of the civil society.

28 (2) Any legal proceedings that might have been commenced or
 29 continued by or against it in its former name may be commenced or continued
 30 by or against it in its new name.

1 (3) The Commission may pay necessary expenses to any person
2 attending to give evidence or produce documents for the purpose of an inquiry.

Power to obtain
search warrant
for purposes of
inquiry

3 21.-(1) On application from the Commission, a magistrate may issue
4 a warrant under this section if satisfied, on information given on oath by a
5 member of the Commission's staff, that there are reasonable grounds for
6 believing that each of the conditions in subsection (2) of this section is
7 satisfied.

8 (2) The conditions are-

9 (a) that an inquiry has been instituted under section 19 of this Bill,

10 (b) that there is on the premises to be specified in the warrant any
11 document or information relevant to that inquiry which the Commission could
12 require to be produced or provided; and

13 (c) that, if the Commission were to make an order requiring the
14 document or information to be so produced or provided-

15 (i) the order would not be complied with, or

16 (ii) the document or information would be removed, tampered with,
17 concealed or destroyed.

18 (3) A warrant under this section is a warrant authorising the member
19 of the Commission's staff who is named in it to-

20 (a) enter and search the premises specified in it;

21 (b) take such other persons with him or her as the Commission
22 considers needed to assist him or her in doing anything that he or she is
23 authorised to do under the warrant;

24 (c) take possession of any documents which appear to fall within
25 subsection (2)(b) of this section, or to take any other steps which appear to be
26 necessary for preserving, or preventing interference with, any such documents;

27 (d) take possession of any computer disk or other electronic storage
28 device which appears to contain-

29 (i) information falling within subsection (2)(b) of this section, or

30 (ii) information contained in a document so falling;

1 (e) take other steps which appear to be necessary for preserving, or
2 preventing interference with any such information;

3 (f) take copies of, or extracts from, any document or information
4 falling within paragraph (c) or (d) of this subsection;

5 (g) require any person on the premises to provide an explanation of
6 any such document or information or to state where any such document or
7 information may be found; and

8 (h) require any such person to give the staff named in the warrant
9 such assistance as he or she may reasonably require for the taking of copies
10 or extracts as mentioned in paragraph (e) of this subsection.

11 22.-(1) Entry and search under a warrant issued in accordance with
12 section 21 of this Bill shall be at a reasonable hour and within one month of
13 the date of its issue.

Execution of
search warrant

14 (2) The member of the Commission's staff who is authorised under
15 such a warrant shall, if required to do so, produce-

16 (a) the warrant, and

17 (b) documentary evidence that he or she is a member of the
18 Commission's staff, for inspection by the occupier of the premises or anyone
19 acting on the occupier's behalf.

20 (3) The staff shall make a written record of-

21 (a) the date and time of his or her entry on the premises,

22 (b) the number of persons (if any) who accompanied him or her on
23 to the premises and the names of any such persons,

24 (c) the period during which he or she and any such person remained
25 on the premises,

26 (d) what he or she and any such person did while on the premises,
27 and

28 (e) any document or device which he or she took possession of
29 while there.

30 (4) If required to do so, the Commission's staff shall give a copy of

1 the record to the occupier of the premises or someone acting on the occupier's
2 behalf.

3 (5) Unless it is not reasonably practicable to do so, he or she shall
4 before leaving the premises comply with-

5 (a) the requirements of subsection (3) of this section, and

6 (b) any requirement made under subsection (4) of this section.

7 (6) Where possession of any document or device is taken in the course
8 of executing the search warrant-

9 (a) the document may be retained for so long as the Commission
10 considers that it is necessary to retain it rather than a copy of it for the purposes
11 of the relevant inquiry, or

12 (b) the device may be retained for so long as the Commission
13 considers that it is necessary to retain it for the purposes of that inquiry, as the
14 case may be.

15 (7) Once it appears to the Commission that the retention of any
16 document or device has ceased to be necessary, it must arrange for the
17 document or device to be returned as soon as is reasonably practicable-

18 (a) to the person from whose possession it was taken, or

19 (b) to any of the trustees of the civil society to which it belonged or
20 related.

21 (8) It is an offence for a person to intentionally obstruct the exercise of
22 any rights conferred by a warrant under section 21 of this Bill.

23 (9) A person guilty of an offence under subsection (8) of this section is
24 liable on conviction to-

25 (a) imprisonment for a term not exceeding twelve months, or

26 (b) a fine not exceeding N300,000.00 (three hundred thousand naira
27 only), or (c) both such fine and imprisonment.

Publication of
results of inquiries

28 **23.** Where an inquiry has been held by the Commission, the
29 Commission may-

30 (a) cause the report of the person conducting the inquiry, or such other

1 statement of the results of the inquiry as the Commission thinks fit, to be
2 printed and published, or (b) publish any such report or statement in some
3 other way which is calculated in the Commission's opinion to bring it to the
4 attention of persons who may wish to make representations to the
5 Commission.

6 24.-(1) In accordance with the provisions of this Bill, the
7 Commission may do anything which is calculated to facilitate or is
8 conducive or incidental to the performance of any of its functions or general
9 duties under this Bill.

Incidental
powers

10 (2) Without prejudice to the power of Commission to direct
11 specified action to be taken or to direct application of a civil society
12 property, nothing in this Bill authorises the Commission to-

13 (a) exercise functions corresponding to those of a civil society
14 trustee in relation to a civil society, or

15 (b) be directly involved in the administration of a civil society.

16 25.-(1) The Commission may by regulations require payment to
17 the Commission of suet fees as may be prescribed by the regulations in
18 respect of-

Fees and other
amounts payable
to Commission

19 (a) the discharge by the Commission of such functions under the
20 enactments relating to civil societies as may be so prescribed;

21 (b) the inspection of the register of civil societies or of other
22 material kept by the Commission under those enactments, or the provision
23 of copies of or extracts from documents so kept.

24 (2) Regulations under this section may-

25 (a) confer, or provide for the conferring of, exemptions from
26 liability to pay a prescribe fee; and

27 (b) provide for the remission or refunding of a prescribed fee (in
28 whole or in part) in circumstances prescribed by the regulations.

29 (3) The Commission may impose charges of such amounts as it ons

1 considers reasonable in respect of the supply of any publications produced by
2 it.

3 (4) Any fees and other payments received by the Commission by
4 virtue of this section are to be paid into the Consolidated Revenue Fund of the
5 Federation.

6 PART V - STAFF OF THE COMMISSION

The Executive
Secretary of the
Commission

7 26. There shall be an Executive Secretary for the Commission who
8 shall be-

9 (a) a sociologist of twelve years post-graduation standing or a legal
10 practitioner with no less than ten years call to bar experience;

11 (b) the chief executive and accounting officer of the Commission; and

12 (c) responsible to the Chairman and the Council for the execution of
13 the policies and the administration of the daily affairs of the Commission.

Other employees

14 27.-(1) The Council shall appoint for the Commission-

15 (a) such officers and other employees as it may, from time to time,
16 deem necessary for the performance of its functions under this Bill; and

17 (b) such number of specialist employees as may, in the opinion of the
18 Council, be required to assist the Commission in the discharge of its functions.

Staff Regulations

19 28.-(1) The Commission may, subject to the provisions of this Bill,
20 make staff regulations relating generally to the conditions of service of the
21 employees of the Commission.

22 (2) Without prejudice to the generality of the provisions of subsection
23 (1) of this section, the regulations may provide for-

24 (a) the appointment, promotion and disciplinary control (including
25 dismissal) of employees of the Commission; and

26 (b) appeals by such employees against dismissal or other disciplinary
27 measures.

28 (3) Until the regulations are made; any instrument relating to the
29 conditions service of officers in the Civil Service of the Federation shall be
30 applicable.

1 (4) Staff regulations made under this section shall not have effect
 2 until approved by the Commission, and when so approved, the regulations
 3 may not be published in the Official Gazette, but the Commission shall
 4 cause them to be brought to the notice of all persons to be affected in such
 5 manner as it may, from time to time, determine.

6 29.-(1) Service in the Commission shall be approved service for
 7 the purposes of the Pension Act and accordingly, employees of the
 8 Commission shall be entitled to pension, gratuities and other retirement
 9 benefits as are prescribed in the Pensions Act, 2004.

Pensions - Cap.
P4 LFN 2010

10 (2) Notwithstanding the provisions of subsection (1) of this
 11 section, nothing in this Bill shall prevent the appointment of a person to any
 12 office on terms which preclude the grant of pension, gratuity or any other
 13 retirement benefit in respect of that office.

14 PART VI - FUNDS OF THE COMMISSION

15 30. The funds of the Commission shall consist of-

Funds of the
Commission

16 (a) take-off grant from the Federal Government;

17 (b) annual subvention from the Federal Government as shall be
 18 provided for in the Appropriation Act;

19 (c) loans and grant-in-aid from Federal and State Governments and
 20 other bilateral and multilateral agencies; and

21 (d) any other sum that may accrue to the Commission from time to
 22 time.

23 31. The Commission may, from time to time, apply its funds-

Application of
the funds of the
Commission

24 (a) to defraying the cost of its administration;

25 (b) to paying the emoluments, allowances and benefits of members
 26 of the Council;

27 (c) to reimbursing members of the Council or of any committee
 28 setup by the Council for such expenses as may be expressly authorised by
 29 the Council;

30 (d) to paying the salaries, fees or other remunerations or hat no

1 allowances, gratuities, pensions and other benefits payable to the officers and
2 other employees of the Commission, so however that no payment of any kind
3 under this paragraph (except such as may be expressly authorised by the
4 Council) shall be made to any person who is in receipt of emoluments from the
5 Federal or a State Government;

6 (e) for the development or maintenance of any property vested in or
7 owned by the Commission; and

8 (f) for and in connection with all or any of its functions under this Bill.

Annual estimates
and accounts

9 32.-(1) The Commission shall, not later than 30th August in each year,
10 submit to the President, an estimate of its expenditure and income (including
11 payments to the Commission) for the next succeeding year.

12 (2) The Commission shall keep proper accounts in respect of each
13 year and proper records in relation to those accounts and shall cause the
14 accounts to be audited within three months after the end of each year by
15 auditors appointed from the list and in accordance with the guidelines issued by
16 the Auditor-General for the Federation.

Audit

17 33.-(1) The Auditor-General for the Federation shall-

18 (a) periodically audit the accounts and records of the financial
19 transactions of the Commission;

20 (b) inspect records relating to assets of the Commission;

21 (c) draw the attention of the President to any irregularity which may
22 be disclosed; and

23 (d) forward his audit report to the National Assembly.

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

Annual reports

29 34.-(1) The Commission shall prepare and submit to the National
30 Assembly through the President, not later than six (6) months after the end of

1 each financial year, a report of the activities of the Commission during the
2 immediate preceding year.

3 (2) A copy of the audited accounts of the Commission and the
4 auditor's report on it shall be included in the report to be submitted in
5 accordance with subsection (1) of this section.

6 35. The Commission may accept any gift of land, money or other
7 property on such terms and conditions, if any, as may be specified by the
8 person or organization making the gift; provided that the Commission shall
9 not accept any gift if the conditions attached to it are inconsistent with the
10 functions of the Commission or the provisions of any existing laws.

Power to accept
gifts

11 36.-(1) The Commission may, from time to time, borrow such
12 sums as it may require for the performance of its functions under this Bill.

Power to borrow

13 (2) The Commission shall not, without the approval of the
14 President, borrow money which exceeds, at any time, the amount earlier set
15 by the President.

16 (3) Notwithstanding subsection (1) of this section, where the sum
17 to be borrowed is in foreign currency, the Commission shall not borrow any
18 sum in foreign currency without the prior approval of the President.

19 37. The Commission may, subject to the provisions of this Bill and
20 the conditions of any trust created in respect of any property, invest all or any
21 of its funds in any Government security or in such other security as may,
22 from time to time, be approved by the Board.

Investment
Cap. T22 LFN,
2010

23 38. The Commission shall not be exempted from the payment of
24 income tax on any income accruing from investments made by the Board or
25 other monies made through investments.

No exemption
from payment of
Income Tax

26 39. The Commission may, subject to the Land Use Act, acquire
27 any land for the efficient discharge of its functions.

Power to acquire
land Cap. L5 LFN
2010

28 PART VII - LEGAL PROCEEDINGS

29 40. Subject to the provisions of this Bill, the provisions of the
30 Public Officers Protection Act shall apply in relation to any suit instituted

Limitation of suit
against the
Commission, etc.
Cap. P41 LFN 2010

Suit against the
Commission

1 against a member of the Council, an officer or employee of the Commission.

2 41.--(1) No suit shall lie against the Commission for any act done
3 unless it is filed within 12 months of the occurrence of any such act.

4 (2) No suit is to be commenced against the Commission before the
5 expiration of a period of one month after written notice of intention to
6 commence the suit shall have been served on the Commission by the intending
7 Plaintiff or his agent and the notice shall clearly and explicitly state-

8 (a) the cause of action;

9 (b) the name and place of abode of the intending plaintiff; and

10 (c) the relief claimed.

11 (3) For the purpose of this Bill, "suit" means civil proceedings
12 commenced by writ of summons or such other manner as may be prescribed by
13 rules of Court and include an action but not criminal proceedings.

14 (4) The notice referred to in sub-section (2) of this section and any
15 summons, notices or other documents required or authorized to be served on
16 the Commission in connection with a suit by or against the Commission may be
17 served by-

18 (a) delivering it to any of the principal officers of the Commission; or

19 (b) sending it by registered post addressed to the Chairman or the
20 Executive Secretary at the headquarters of the Commission.

21 (5) A person connected with the direct workings of the Commission
22 shall not be removed under arrest when his immediate removal from duty
23 might result in danger to life or goods, whether in execution of a warrant or
24 otherwise, while actually engaged in the performance of his duties until the
25 person has been given an opportunity of providing a substitute by-

26 (a) the head of the department in which he is employed; or

27 (b) the officer in immediate charge of the work in which the person is
28 engaged.

29 (6) In any suit pending before a Court, the Commission may be
30 represented in Court at any stage of the proceedings by any staff of the uly

1 Commission who shall satisfy the Court that he is duly authorized by the
2 Commission in that behalf.

3 42. A member of the Council, the Executive Secretary, any officer
4 or employee of the Commission shall be indemnified out of the assets of the
5 Commission against any liability incurred by him in defending any
6 proceeding, whether civil or criminal, in which judgment is given in his
7 favour or in which he is acquitted, if any such proceeding is brought against
8 him in his capacity as a member of the Council, the Executive Secretary,
9 officer or employee of the Commission.

Indemnity of
Officers

10 43.-(1) A member of the Council, the Executive Secretary, any
11 other officer or employee of the Commission shall-

Secrecy

12 (a) not, for his personal gain, make use of any information which
13 has come to his knowledge in the exercise of his powers or is obtained by
14 him in the ordinary course of his business as a member of the Council, the
15 Executive Secretary, officer or employer of the Commission;

16 (b) treat as confidential any information which has come to his
17 knowledge in the exercise of his powers or is obtained by him in the
18 performance of his duties under this Bill;

19 (c) not disclose any information referred to under paragraph (b) of
20 this subsection except where required to do so by a court or in such other
21 circumstances as may from time to time be prescribed by the Council.

22 (2) Any person who contravenes any of the provisions of
23 subsection (1) of this section commits an offence and is liable, on
24 conviction, to a fine of no less than N200,000 or imprisonment for a term not
25 exceeding two years or to both such fine and imprisonment.

26 PART VIII - OFFENCES AND PENALTIES

27 44.-(1) As from the commencement of this Bill, any person or
28 group of persons who, without registering with the Commission runs or
29 claims to run a civil society shall be guilty of an offence under this Bill.

Prohibition of
running a civil
society without
registration

30 (2) A person shall be deemed to run a civil society under this Bill if

	1	the person brings the existence of the civil society to the attention of any other
	2	person not involved in that civil society by whatever means of communication.
Parties to the offence	3	45.-(1) A person shall be deemed to commit an offence under this Bill
	4	if he or she-
	5	(a) actually does the act which constitutes the offence;
	6	(b) does any act for the purpose of enabling or aiding another person
	7	to commit the offence;
	8	(c) aids another person in committing the offence; or .
	9	(d) counsels or procures any other person to commit the offence, in
	10	which case he or she may be charged with committing the offence or with
	11	counselling or procuring the commission of the offence.
	12	(2) Any person convicted of counselling or procuring the commission
	13	of an offence under this Bill shall be liable to the same punishment as is
	14	prescribed under this Bill for the commission of the offence.
	15	(3) Any person who procures another to commit any act of such a
	16	nature that, if he or she had himself or herself committed the act, the act would
	17	have constituted an offence on his or her part under this Bill, shall be guilty of
	18	an offence of the same kind and liable to the same punishment as if he or she
	19	had committed the act, and he or she may be charged with committing the act.
Crimes committed in prosecution of common purpose	20	46. When two or more persons form a common intention to prosecute
	21	an unlawful purpose in conjunction with one another, and in the prosecution of
	22	that purpose offence under this Bill is committed, each of those persons shall be
	23	deemed to have committed the offence.
Mode of execution of offence	24	47.-(1) When a person counsels another to commit an offence under
	25	this Bill, and offence is actually committed after such counsel by the person to
	26	whom the count was given, it is immaterial that the offence-
	27	(a) actually committed is the same as the one counselled or a different
	28	one; or
	29	(b) is committed in the way counselled or in a different way.
	30	Provided that, in either case, the facts constituting the offence actually

1 committed a probable consequence of carrying out the counsel, be deemed
 2 to have counselled the other person to commit the offence actually
 3 committed by him or her.

4 48. Any person who assists another who has, to his knowledge,
 5 committed an offence under this Bill, in order to enable him to escape
 6 punishment shall be deemed to be an accessory after the fact to the offence.

Accessories
after the fact

7 49. Any person found guilty of an offence under sections 44 to 48
 8 of this Bill shall on conviction be sentenced to-

Penalties, etc.

- 9 (a) imprisonment for a term not exceeding twenty-four months,
 10 (b) a fine not exceeding N500,000.00 (five hundred thousand naira
 11 only), or
 12 (c) both such fine and imprisonment.

13 50. Where an offence under this Bill has been committed by a body
 14 corporate and it is proved that it was committed with the consent or
 15 connivance of or is attributable to any neglect on the part of-

Offence by body
corporate

16 (a) a director, manager, secretary or other similar officer of the
 17 body corporate; or

18 (b) any other person purporting to act in the capacity of a director,
 19 manager, secretary or other similar officer, he or she, as well as the body
 20 corporate, shall be guilty of the offence and shall be liable to be proceeded
 21 against and punished accordingly.

22 PART IX - MISCELLANEOUS PROVISIONS

23 51. The Minister may, with the approval of the President, give the
 24 Council such directives as are necessary or expedient for giving full effect to
 25 the provisions of this Bill and for the due administration of its provisions,
 26 and the Council shall comply with such directives.

Power of the
Minister to give
directives to the
Commission

27 52. The Council may, with the approval of the Minister, make
 28 regulations for the purpose of carrying out or giving full effect to the
 29 provisions of this Bill.

Regulations

30 53. In this Bill, unless the context otherwise requires-

Interpretation

1 "Civil Societies" include non-governmental organisations and charity
2 organisations be whatever name called;
3 "Commission" means the Civil Societies Regulatory Commission established
4 by this Bill;
5 "Council" mean's the Governing Council of the Commission;
6 "Member" means a member of the Council and includes the Chairman and the
7 Executive Secretary;
8 "Minister" means the Minister in charge of National Planning; and
9 "President" means the President of the Federal Republic of Nigeria.

Short Title

10 **54.** This Bill may be cited as the Civil Societies Commission
11 (Establishment) Bill, 2016.

SCHEDULE

Section 6(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Board

16 **1.** Subject to the provisions of this Bill and the Interpretation Act, the
17 Council shall have power to regulate its proceedings and may make standing
18 orders with respect to the holding of its meetings, and those of its committees,
19 notices to be given, the keeping of minutes of its proceedings, the custody and
20 production for inspection of such minutes and such other matters as the
21 Council may, from time to time, determine.

22 **2.-(1)** There shall be at least four ordinary meetings of the Council in
23 every calendar year and subject thereto, the Council shall meet whenever it is
24 convened by the Chairman, and if the Chairman is requested to do so by notice
25 given to him by not less than three other members, he shall convene a meeting
26 of the Council to be held within 14 days from the date on which the notice was
27 given.

28 **(2)** Every meeting of the Council shall be presided over by the
29 Chairman and if the Chairman is unable to attend a particular meeting, the f

1 members present at the meeting shall elect one of their members to preside at
2 the meeting.

3 3. The quorum of any meeting of the Council shall consist of the
4 Chairman (or in an appropriate case, the person presiding at the meeting
5 pursuant to paragraph 2(2) of this Schedule) and five other members.

6 4. The Council shall meet for the conduct of its business at such
7 places and on such days as the Chairman may appoint.

8 5. A question put before the Council at a meeting shall be decided
9 by consensus and where this is not possible, by a majority of the votes of the
10 members present and voting.

11 6. The Chairman shall, in the case of an equality of votes, have a
12 casting vote in addition to his deliberative vote.

13 7. Where the Council seeks the advice of any person on a
14 particular matter, the Council may invite that person to attend for such
15 period as it thinks fit, but a person who is invited by virtue of this paragraph
16 shall not be entitled to vote at any meeting of the Council and shall not count
17 towards the quorum.

18 *Committees*

19 8. The Commission may appoint one or more committees to carry
20 out on behalf of the Commission such of its functions as the Council may
21 determine and report on any matter with which the Commission is
22 concerned.

23 9. A committee appointed under paragraph 8 of this Schedule shall
24 be presided over by a member of the Council and consist of such number of
25 persons (not necessarily all members of the Commission) as may be
26 determined by the Commission, and a person other than a member of the
27 Council shall hold office on the committee in accordance with the terms of
28 his appointment.

29 10. A decision of a committee of the Commission shall be of no
30 effect until it is confirmed by the Council.

Miscellaneous

1
2 **11.** The fixing of the seal of the Commission shall be authenticated by
3 the signature of the Chairman or the Executive Secretary and such other person
4 authorised by the Commission to act for that purpose.

5 **12.** A contract or an instrument which, if made or executed by any
6 person not being a body corporate, would not be required to be under seal, may
7 be made or executed on behalf of the Commission by the Chairman or the
8 Executive Secretary or by any person generally or specifically authorised to act
9 for that purpose by the Commission.

10 **13.** A document purporting to be a contract, an instrument or other
11 document signed or sealed on behalf of the Commission shall be received in
12 evidence and, unless the contrary is proved, be presumed without further proof,
13 to have been properly signed or sealed.

14 **14.** The validity of any proceedings of the Commission or its
15 committees shall not be affected by-

16 (a) any vacancy in the membership of the Commission or its
17 committees;

18 (b) reason that a person not entitled to do so took part in the
19 proceedings; or

20 (c) any defect in the appointment of a member.

21 **15.** Any member of the Commission or the Commission's committee
22 who has a personal interest in any contract or arrangement entered into or
23 proposed to be considered by the Commission or any of its committee-

24 (a) shall forthwith disclose his interest to the Commission or
25 committee; and

26 (b) shall not vote on any question relating to the contract or
27 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Civil Society Commission for coordinated regulation of civil society organisations for the purpose of strengthening their capacity to promote democracy and development in the country.

