



1 commercial purposes but which have organized themselves nationally or  
2 internationally for the promotion of social welfare, development, charity or  
3 research through mobilization of resources;

4 "Register" means the register of Non-Governmental Organizations  
5 maintained by the Board.

6 PART II - ESTABLISHMENT, FUNCTIONS AND

7 POWERS OF THE BOARD

Establishment of  
the Board

8 3-(1) There is hereby established a Board to be known as the Non-  
9 Governmental referred to as Organizations Co-ordinations the Board.(herein  
10 and after)

11 (2) The Board shall be a body corporate with perpetual succession and  
12 a common seal and shall be capable in its corporate name of:

13 (a) suing and being sued

14 (b) taking, purchasing or otherwise acquiring, holding, charging or  
15 disposing of movable and immovable property;

16 (c) receiving, borrowing and lending money;

17 (d) entering into contracts; and

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

Establishment of  
the Governing Board

21 4.-(1) There is hereby established for the Board a governing Board  
22 which shall consist of:

23 (a) a chairman appointed by the President;

24 (b) not more than seven and not less than five members appointed by  
25 the Minister by virtue of their knowledge or experience in development and  
26 welfare management;

27 (c) Secretary to the Government of the Federation; for the time being  
28 responsible for social development;

29 (d) the Permanent Secretary Ministry of Foreign Affairs;

30 (e) the Permanent Secretary Ministry of Finance;

- 1 (f) the Permanent Secretary National Planning;
- 2 (g) the Executive Director appointed under section 5 (1);
- 3 (h) the Attorney-General;
- 4 (i) five members appointed by the Minister on the
- 5 recommendation of the Council to represent the diversified areas of Non-
- 6 Governmental Organizations' interests within the Board;

7 **5.-(1)** A member other than ex-officio:

Tenure of  
Members

- 8 (a) shall hold office for a term of four years and no more;
- 9 (b) may hold office on terms and conditions as may be specified in
- 10 his letter of appointment.

11 (2) A member may at any time be removed from office by the

12 President for inability to discharge the functions of his office (whether

13 arising from infirmity of mind or body) or if the President considers that it is

14 not in the interest of the Fund or the Public for such member to continue in

15 office.

16 **6. -(1)** A member may cease to hold office if:

Cessation of  
Membership

17 (a) he is without permission of the Board absent for more than three

18 consecutive meetings of the Board or without such permission is absent

19 from the country for a period exceeding one year;

20 (b) in case of a professional who is disqualified or suspended (other

21 than at his own request) from practicing his profession in any part of Nigeria

22 by the order of any competent authority.

23 (c) A person shall cease to be a member if he:

- 24 (i) becomes bankrupt; or
- 25 (ii) is guilty of serious misconduct in relation to his duties; or
- 26 (iii) is convicted of a felony or any offence involving dishonesty.

27 (2) A member may at anytime resign his membership:

28 (a) by giving notice in writing through the Minister to the President

29 and the resignation becomes effective from the date specified in the notice;

1 (b) if no date is specified, from the date of the receipt of the notice by  
2 the President.

3 (3) Where a member ceases to hold office for any reason whatsoever  
4 before the expiration of his term of office, the President after consulting the  
5 Minister may appoint another person for the unexpired term,

Executive  
Director

6 7.-(1) The Minister may appoint an executive director who shall be  
7 the head of the Bureau and responsible for the day to day management of the  
8 business of the Board.

9 (2) The Executive Director shall be an ex-officio member of the  
10 Board but shall have no right to vote at any meeting.

11 (3) The Executive Director shall be the secretary to the Board.

Functions

12 8. The functions of the Board shall be:

13 (a) to facilitate, regulate and co-ordinate the work of all National and  
14 International Non-Governmental Organizations operating in Nigeria;

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

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

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

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

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

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

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

4 9. The Board shall have power:

Powers of the  
Board

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

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

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

Documentation  
Centre

14 PART III -REGISTRATION AND LICENSING OF  
15 NON-GOVERNMENTAL ORGANIZATIONS

16 11. - (1) Every Non-Governmental Organization shall be registered  
17 in the manner specified under this Part.

Registration

18 (2) Applications for registration shall be submitted to the executive  
19 director of the Board in the prescribed form.

20 (3) An application for registration shall be made by the chief officer  
21 of the proposed organization and specify:

22 (a) Other officers of the organization;

23 (b) The head office and postal address of the organization; (c) the  
24 sectors of the proposed operations;

25 (d) the districts, divisions and locations of the proposed activities;

26 (e) the proposed average annual budget;

27 (f) the duration of the activities;

28 (g) all sources of funding;

29 (h) the national and international affiliation and certificates of  
30 incorporation;

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

2 (4) The Minister may, by notice in the Gazette, exempt such Non-  
3 Governmental Organizations from registration as he may determine.

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

Application for  
Registration

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

Issuance of  
Certificate

10 13.- (1) Every Non-Governmental Organization registered under  
11 this Act shall be issued with a certificate of registration in accordance with  
12 this Part.

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

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

18 (a) suing and being sued;

19 (b) taking, purchasing or otherwise acquiring, holding, charging or  
20 disposing of movable and immovable property;

21 (c) entering into contracts; and

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

Mode of  
Certificate

25 14. - (1) Every certificate issued to an organization shall be in the  
26 prescribed form and shall, unless cancelled, be valid for a period of sixty  
27 months from the date of issue.

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

30

1	<b>15.</b> The Board may refuse registration of an applicant if-	Refusal of Registration
2	(a) it is satisfied that its proposed activities or procedures are not in	
3	the national interest;	
4	(b) it is satisfied that the applicant has given false information on	
5	the requirements of subsection (3) of section 10;	
6	(c) it is satisfied, on the recommendation of the Council, that the	
7	applicant should not be registered.	
8	<b>16.</b> - (1) The chief officer of an organization may, at the expiry of a	Renewal of Certificate
9	certificate, apply to the Board for the renewal of that organization's	
10	certificate.	
11	(2) On receipt of an application made under subsection (1) the	
12	Board may issue a certificate to take effect from the date expiry of that	
13	organization's previous certificate.	
14	(3) At the time of issuing a new certificate under this section the	
15	Board may vary the terms anSuspension of Certificate.	
16	<b>17.</b> - (1) The Board may cancel or suspend a certificate issued	Suspension of Certificate
17	under this	
18	Part, if it is satisfied that :	
19	(a) the terms or conditions attached to the certificate have been	
20	violated;	
21	(b) the organization has breached this Act;	
22	(c) the Council has submitted a satisfactory recommendation for	
23	the cancellation of the certificate.	
24	(2) Notice of the cancellation or suspension shall be served on the	
25	Organization in respect of whom such cancellation or suspension relates and	
26	shall take effect within fourteen days after the date of that notice.	
27	<b>18.</b> The Board shall receive and consider application for work	Application for Work Permit
28	permits in respect of prospective employees of a registered Non-	
29	Governmental Organization and make recommendation to the Comptroller	
30	General, Nigeria Immigration Services for the issuance of the permit to the	

1    applicant.

Reason of  
Ceasure

2                    **19.** - (1) if the Board has reasons to believe that a registered  
3    organization has, for any reason, ceased to exist, it may publish in the Gazette a  
4    notice calling upon such organization to furnish it with the proof of its  
5    continued existence.

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

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

Decision of the  
Board

11                   **20.-** (1) Any organization which is aggrieved by a decision of the  
12   Board made under this Part may, within sixty days from the date of the  
13   decision, appeal to the Minister.

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

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

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

23                   **21.** An organization established by a state or group of states for  
24   welfare, research, relief, public health or other forms of development  
25   assistance shall not be eligible for registration under this Act.

Non-eligibility  
of diplomatic  
immunities

26                   **22.** Any organization registered under this Act shall not be entitled to  
27   diplomatic or consular privileges or immunities.

Offences and  
Penalties

28                   **23.** - (1) It shall be an offence for any person to operate a Non-  
29   Governmental Organization in Nigeria for welfare, research, health relief,  
30   agriculture, education, industry, the supply of amenities or any other similar



1 purposes without registration and certificate under this Act.

2 (2) A person convicted of an offence under this Part shall be liable  
3 to a fine not exceeding One hundred thousand Naira, or to an imprisonment  
4 of eighteen months or to both.

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

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

11 PART IV - SELF-REGULATION BY THE

12 NON-GOVERNMENTAL ORGANIZATIONS

13 24. -(1) There shall be established a National Council of Voluntary  
14 Agencies, as a collective forum of all the voluntary agencies registered  
15 under this Act.

National  
Council of  
Voluntary  
Organisation

16 (2) The Council shall adopt its own structure, rules and procedures  
17 for the efficient administration of its activities Provided that the first  
18 meeting to adopt the structure and procedures of the Council shall be  
19 supervised by an official designated by the Minister.

20 25. -(1) The Council shall develop and adopt a code of conduct and  
21 such other regulations as may facilitate self-regulation by the Non-  
22 Governmental Organizations on matters of activities, funding programmes,  
23 foreign affiliations, national security, training, the development of national  
24 manpower, institution building, scientific and technological development  
25 and such other matters as may be of national interest.

Code of  
Conduct

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

30 (3) The code of conduct shall be subject to approval by the Board.

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

4 (5) The code of conduct shall prescribe the responsibilities of the Council  
5 which, once approved by the Board, shall be construed as obligations under this Act.

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

8 PART V - TRANSITIONAL ARRANGEMENTS

Registration  
Period

9 26.- (1) There shall be a transitional registration period not exceeding six  
10 months from the date of commencement of this Act; Provided that the Minister may  
11 extend the period upon application by a Non- Governmental Organization.

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

Constitution  
of Council to  
Develop Code

15 27. The first one hundred Non-Governmental Organizations to be  
16 registered by the Board under this Act shall constitute a Council competent to  
17 develop and adopt the code of conduct under Part IV.

Investment  
of Funds

18 29. -(1) The Board may invest any of its funds in securities in which, for the  
19 time being, trustees may by law invest trust funds or in other securities which the  
20 Treasury may from time to time approve for the purpose.

21 (2) The Board may place on deposit with such bank or banks as it may  
22 determine, any money not immediately required for allocation or application.

23 PART VI - FINANCIAL PROVISIONS

Financial Year  
of the Board

24 30. -(1) Before the commencement of a financial year the Board shall  
25 cause to be prepared estimates of the revenue and expenditure for that year.

26 (2) The financial year of the Board shall be the period of twelve months  
27 commencing from 1st of July, and ending on 30th of June in each year.

28 (3) In the event of any change in the financial year, and for the purposes of  
29 the transition from old financial year to the new financial year consequent upon  
30 change, the transitional period, whether more or less than twelve months shall be

1 deemed for all the purposes of this Act to be a financial year.

2 (4) The annual estimates shall make provision for all estimated  
3 expenditure of the Board for the financial year concerned, and in particular :

4 (a) the approved recurrent and development expenditure;

5 (b) for the payment of salaries, allowances and other charges in  
6 respect of the staff of the Board;

7 (c) for the payment of pensions, gratuities and other charges in  
8 respect of retirement benefits which are payable out of the funds of the  
9 Board; (d) for the proper development and maintenance of the properties of  
10 the Board;

11 (e) for the proper maintenance, repair and replacement of the  
12 equipment and other movable property of the Board;

13 (f) for the creation of such reserve funds to meet future or  
14 contingent liabilities in respect of retirement benefits or insurance or in  
15 respect of such other matters as the Board may deem fit.

16 (5) Annual estimates shall be approved by the Board, before the  
17 commencement of the financial year to which they relate and shall be  
18 submitted to the Minister for approval.

19 (6) No expenditure shall be incurred for the purposes of the Board  
20 except in accordance with the annual estimates approved under subsection  
21 (3).

22 **31. -(1)** The Board shall cause to be kept all proper books and Accounts  
23 records of account of its income, expenditure, assets and liabilities.

24 (2) Within three months from the end of each financial year, the  
25 executive director of the Board shall submit to the Auditor-General  
26 (Corporations) the accounts of the Board together with:

27 (a) a statement of financial activities, income and expenditure  
28 during the financial year; and

29 (b) a statement of assets and liabilities of the Board existing at the  
30 end of the year.



1 shall be liable to a fine not exceeding two hundred thousand Naira or to  
2 imprisonment for a term not exceeding three years or both.

3 (2) Any person convicted of an offence under this section shall be  
4 disqualified from holding office in any Non-Governmental Organization for  
5 a period of ten years.

6 (3) On the first conviction of an official of a Non-Governmental  
7 Organization under this section the Board may deregister that Organization.

8 (4) On the second conviction of an official, under this section the  
9 Board shall deregister that Non-Governmental Organization.

10 (5) Where a non-Nigeria national is convicted under subsection (2)  
11 or is found to have aided or abetted others in the office, the Minister may  
12 recommend his expulsion from Nigeria to the Minister in charge of  
13 immigration.

14 35. -(1) The Non-Governmental Organization deregistered under Deregistration  
15 section 33(3) or (4) of this Act may appeal to the Minister against such  
16 deregistration.

17 (2) The Minister shall deliver his decision on the appeal under sub  
18 section (1) within twenty-eight days, and that decision shall be final and  
19 binding.

#### EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for the co-ordination and regulation of  
Non-Governmental organizations in Nigeria.

1 matters in Nigeria.

2 (4) A person shall not be eligible to hold the office of Judge of the  
3 Court unless:

4 (a) the person is a legal practitioner in Nigeria and has been so  
5 qualified for a period of not less than ten years and has considerable knowledge  
6 and experience in law and in maritime matters in Nigeria; or

7 (b) the person is a graduate of a recognized university of not less than  
8 10 years cognate experience in law and maritime matters in Nigeria.

9 (5) If the office of the President of the Court is vacant, or if the person  
10 holding the office is for any reason unable to perform the functions of the  
11 office, then until a person has been appointed to and assumed the functions of  
12 that office or until the person holding the office has resumed those functions,  
13 the President shall appoint the most senior Judge of the Court having the  
14 qualification to be appointed as President of the Court as provided under  
15 subsection (3) of this section to perform those functions.

16 (6) Except on the recommendation of the National Judicial Council,  
17 an appointment pursuant to the provisions of subsection (5) of this section shall  
18 cease to have effect after the expiration of three months from the date of such  
19 appointment and the President shall not reappoint a person whose appointment  
20 has lapsed.

Tenure of the  
President and  
Judges of the  
Court

21 3. The provisions in the constitution of the Federal Republic of  
22 Nigeria 1999 relating to the tenure, removal, gratuity and pension of any  
23 person holding or appointed to act in the office of the Chief Judge or Judge of  
24 the Federal High Court, shall respectively apply to any person holding or  
25 appointed to act in the office of the President of the Court or as a Judge of the  
26 Court.

Precedence

27 4. - (1) The office of the President of the Court shall take precedence  
28 over the other Judges of the Court, and the other Judges shall take precedence  
29 after the President of the Court in order of seniority.

30 (2) The President of the Court shall rank equal with the Chief Judge of