

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE REGISTRATION AND REGULATION OF LOBBYIST IN LEGISLATIVE HOUSES AND FOR RELATED MATTERS, 2019

*Sponsored by Hon. Ndudi Elumelu*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1           1. A person commits an offence under this Bill if he carries on  
2 business as a Lobbyist in a Legislative House unless he is registered or  
3 authorized under this Bill or by any other law.

Prohibition of  
unregistered  
persons

4           2.-(1) A person who intends to carry on business as a Lobbyist in a  
5 Legislative House shall apply to the Registrar of Lobbyists for registration  
6 or authorization.

Application

7           (2) Notwithstanding the provisions of subsection (1) of this section,  
8 the Registrar of Lobbyists may authorize a person to carry on the business of  
9 a Lobbyist, if he is of the opinion that it is expedient to permit that person to  
10 carry on business of a Lobbyist for the purposes of specific bill or other  
11 legislative matter described in the person's application.

12           3. A person who apply for registration or authorization under  
13 Section 2 of this Bill may be registered or authorized by the Registrar of  
14 Lobbyists if he:

Condition for  
registration

- 15           (a) pays the prescribed fee;
- 16           (b) applies in the form and manner prescribed;
- 17           (c) provides any other information or condition that is prescribed
- 18 by the Registrar of Lobbyists.

19           4. Every registered Lobbyist shall:  
20           (a) keep such records as may be required by the Registrar of  
21 Lobbyists;

Obligation of  
registered  
Lobbyist

1 (b) inform the Registrar of Lobbyists if there is any change in the  
2 records he is required by this Bill to submit to the registrar of Lobbyist at the  
3 time of application for registration or authorization;

4 (c) furnish, on such forms as may be prescribed, true and accurate  
5 information in relation to the workers employed by him, or the Bill or  
6 Legislative matter he is interested in;

7 (d) carry his identity card at all times while at work within the  
8 premises of a legislative House and shall produce it for the inspection of the  
9 sergeant at arm, police officer and other legislative staff whenever reasonably  
10 demanded.

Disciplinary  
action for breach  
or rules

11 5.-(1) On registration every Lobbyist shall subscribe to the Code of  
12 Conduct for Lobbyists provided in the Code of Conduct of the schedule to this  
13 Bill and shall write his name, (including name of firm or company), signature  
14 and date at the foot of the Code of Conduct for Lobbyists with a note stating that  
15 he understands the contents, and shall comply with the contents.

16 (2) A registered Lobbyist who fails to carry out his duties in  
17 accordance with this Bill or its regulations, or fails to comply with any lawful  
18 orders given to him by the Registrar of Lobbyists or any person authorized by  
19 him may be subject to such disciplinary action as may be prescribed by this  
20 Bill or any other law.

Regulation

21 6. The Registrar of Lobbyists. shall by regulation publish in the  
22 Official Gazette determine:

23 (a) application fee for registration as lobbyists;

24 (b) code of conduct of registered lobbyists;

25 (c) minimum operating standard;

26 (d) form and manner for applying as a lobbyist under this Bill;

27 (e) any other condition that is required for registration as lobbyist.

Duties of  
Registrar of  
Lobbyist

28 7. The Registrar of Lobbyists shall perform the following duties:

29 (a) provide guidance and assistance on the registration and reporting  
30 requirements of this Bill and develop common standards, rules, and procedures

1 for compliance with this Bill;

2 (b) review, and where necessary, verify and inquire to ensure the  
3 accuracy, completeness, and timeliness of registration and reports;

4 (c) develop filing, coding, and cross-indexing systems to carry out  
5 the purpose of this Bill, including:

6 (i) a publicly available list of all registered lobbyists, and their  
7 clients;

8 (ii) computerized systems designed to minimized the burden of  
9 filing and maximize public access to materials filed under this Bill.

10 (iii) maintain a website to post all information relating to Lobbyist  
11 for public access.

12 (d) issue Certificate of Registration as Lobbyist to individual or  
13 Company registered as Lobbyist under this Bill.

14 (e) retain and keep a copy of the Lobbying contract submitted by a  
15 proposed Lobbyist after sighting the original.

16 (f) make available for public inspection at reasonable times the  
17 registrations and reports filed under this Bill;

18 (g) retain registration for a period of at least 4 years after they are  
19 terminated and reports for a period of at least 4 years after they are filed;

20 (h) compiled and summarized, with respect to each prescribed  
21 reporting period, the information contained in registrations and reports filed  
22 with respect to such period on a clear and complete manner;

23 (i) maintain Register containing the names of registered Lobbyist  
24 indicating date of registration, date of termination of registration and other  
25 particulars;

26 (j) notify any registered lobbyist in writing of any non-compliance  
27 with the provision of this Bill;

28 (k) update the register of lobbyists from time to time; and

29 (l) monitor compliance with the provisions of this Bill.

30 8. When a person is registered as a Lobbyist or authorized to

1 served as a Lobbyist under this Bill, he shall be issued with a certificate of  
2 registration or authorization permit and an identification card bearing the  
3 personal identity and other information of the person.

revocation of  
registration

4 9. The registration or authorization permit of a lobbyist can be  
5 revoked by the registrar of Lobbyist for the following reasons:

6 (a) failure to renew registration as required by the Bill or its  
7 regulation;

8 (b) breach by a registered Lobbyist of any provision of this Bill, its  
9 regulation or terms of registration;

10 (c) if it is established by the Registrar that he was misled by a  
11 registered Lobbyist to get registered or authorized;

12 (d) in the case of authorization permit, on the discharge or completion  
13 of the assignment for which the permit was issued; or

14 (e) if a registered lobbyist by writing under his hands addressed to the  
15 Registrar of Lobbyists notify the Registrar of his intention to cease to work as a  
16 lobbyist;

17 (f) if the appointment of the lobbyist was based on contract when the  
18 contract is revoked by either party.

Reports by  
Registered  
Lobbyists

19 10.-(1) Each Lobbyist shall present to the Registrar of Lobbyists 2  
20 reports on his activities every year.

21 (2) The first report shall be presented on or before January 30 and  
22 shall cover July - December of the preceding year and the second report shall be  
23 presented on or before July 30 and shall cover January - June of the current  
24 year.

Contents of the  
report

25 11. Each report filed under this Bill shall contain the following:

26 (1) the name of the Lobbyist, the name of the client, the date of  
27 engagement to carry out lobbying activities and any changes or updates to the  
28 information provided in the initial registration;

29 (2) a list of specific issues upon which the Lobbyist engaged in  
30 lobbying activities on behalf of the client during the prescribed reporting

1 period including the list of the bill numbers and summary of actions taken on  
2 the Bill by any legislative House;

3 (3) a statement of the Clerk of the Committee which worked on the  
4 Bill or Legislative matter in question being the subject matter or lobbying  
5 activities stating the steps taken by the Committee on the Bill or Legislative  
6 matter;

7 (4) if the Lobbyist is a company, a list of employees who acted on  
8 behalf of the client;

9 (5) a description of the interest, if any, of any foreign entity  
10 involved in the Lobbying activities.

11 (6) in the case of a lobbying company, estimate of the total amount  
12 of all income from the client paid for lobbying activities on behalf of the  
13 client during the prescribed reporting period, other than income for matters  
14 that are unrelated to lobbying activities; and

15 (7) in the case of an individual engaged in lobbying activities on its  
16 own behalf, estimate of the total expenses that the Lobbyist and its  
17 employees incurred in connection with lobbying activities during the  
18 prescribed reporting period;

19 (8) names, address and telephone numbers of persons (not limited  
20 to Directors) directly or indirectly, in whole or in major part, plans,  
21 supervises, controls, directs, finances, or subsidizes the activities of the  
22 client;

23 (9) names address and telephone number of persons or organisation  
24 who has a direct interest in the outcome of the lobbying activity.

25 **12.** For purposes of this section, estimates of income or expenses  
26 earned or incurred by the Lobbyist shall be made as follows:

Estimates of  
income or  
expenses

27 (1) estimates of amounts in excess of N1,000,000 (one million  
28 naira) shall be rounded to the nearest N2,000,000 (two million naira);

29 (2) in the case of income or expenses below and not above  
30 N1,000,000 (one million naira), the Lobbyist shall make a statement that the

1 total income or expenses does not exceed N1, 000,000 (one million naira) for  
2 the reporting period;

3 (3) any income earned or expenses incurred by a Lobbyist on  
4 lobbying activities shall be reported and filed with the Inland Revenue  
5 Service.

Offences and  
penalties

6 13.-(1) Except otherwise stated in this Bill any person who  
7 contravenes any provision of this Bill commits an offence:

8 .(a) if an individual, on conviction shall be liable to maximum of 3  
9 years imprisonment or a maximum fine of N5,000,000.00 or both;

10 (b) if a company, to a maximum fine of N10,000,00.00.

11 (2) A registered Lobbyist who contravenes the provisions of this Bill  
12 or its regulation for which no special penalty have been provided may be  
13 suspended from duty for a period not exceeding 21 days in respect of each  
14 contravention, or may have his registration or authorization cancelled by the  
15 Registrar of Lobbyists.

Offences and  
penalties

16 14. The Federal High Court shall have jurisdiction on any dispute,  
17 including Criminal trial, arising from this Bill.

Interpretation

18 15. In this Bill:

19 "Agency" means any Federal Ministry, Departments, or Parastatals.

20 "Client" means any person that employs, hire, retains, or engages another  
21 person as a lobbyist;

22 "Employee" means an individual who work under a contract of employment,  
23 but does not include:

24 (a) independent contractor; or

25 (b) volunteers who receive no financial or other compensation from  
26 the person or entity for their services;

27 "Foreign entity" means a company not incorporated in Nigeria or in the case of  
28 an individual, a person who is not a Nigerian citizen;

29 "Legislative House means the Senate, the House of Representatives, or a  
30 House of Assembly of a State, constituted under the constitution;

1 "Lobbying activities" means lobbying contacts and efforts in support of  
2 such contacts, including preparation and planning activities, research and  
3 other background work that is intended, at the time it is performed, for use in  
4 contacts, and coordination with the lobbying activities of others;

5 "Lobbying contacts" means any oral or written communication (including  
6 an electronic communication ) to a member of Legislative House in person  
7 or as a group or committee that is made on behalf of a client with regard to:

8 (a) the formulation, modification, or adoption of a legislation  
9 (including legislative proposals);

10 (b) the formation, modification, or adoption of a law, regulation,  
11 or any other program, policy, or position of any Government in Nigeria;

12 (c) the administration or execution of a program or policy  
13 (including the negotiation, award, or administration of a contract, grant,  
14 loan, permit, or license); or

15 (d) the nomination or confirmation of a person for a position  
16 subject to confirmation a legislative House

17 (e) exceptions: The term "Lobbying contact" does not include a  
18 communication that is made by a public official acting in the public official's  
19 official capacity:

20 (i) made by a representative of a media organization if the purpose  
21 of the communication is gathering and disseminating news and information  
22 to the public;

23 (ii) made in a speech, article, publication or other material that is  
24 distributed and made available to the public, or through radio, television,  
25 cable television, or other medium of mass communication;

26 (iii) made on behalf of a government of a foreign country or a  
27 foreign political party,

28 (iv) a request for a meeting, a request for the status of an action, or  
29 any other similar administrative request, if the request does not include an  
30 attempt to influence the Agency official.

- 1 (v) made in the course of participation in an advisory committee;
- 2 (vi) testimony given before a committee, subcommittee, or task force,
- 3 (vii) information provided in writing in response to an oral or written
- 4 request by the legislative and executive branch for specific information;
- 5 (viii) required by subpoena, civil investigative demand, or otherwise
- 6 compelled by statute, regulation, or other action of a Legislative House or an
- 7 Agency;
- 8 (ix) Made in response to a notice in the Gazette, or other similar
- 9 publication soliciting communications from the public and directed to the
- 10 Agency official specifically designated in the notice to receive such
- 11 communications,
- 12 (x) not possible to report without disclosing information, the
- 13 unauthorized disclosure of which is prohibited by law;
- 14 (xi) made to an official in an Agency with regard to:
- 15 (a) a judicial proceeding or a criminal or civil law enforcement
- 16 inquiry, investigation, or proceeding; or
- 17 (b) a filing or proceeding that the Government is specifically required
- 18 by statute or regulation to maintain or conduct on a confidential basis, if that
- 19 agency is charged with responsibility for such proceeding, inquiry,
- 20 investigation, or filing;
- 21 (c) made in compliance with written Agency procedures regarding an
- 22 adjudication conducted by the agency;
- 23 (d) a written comment filed in the course of a public proceeding or any
- 24 other communication that is made on the record in a public proceeding;
- 25 (e) a petition for Agency action made in writing and required to be a
- 26 matter of public record pursuant to established agency procedure;
- 27 (xii) made on behalf of an individual with regard to that individual's
- 28 benefits, employment, or other personal matters involving only that individual;
- 29 (xiii) made by a church, mosque or religious body, its integrated
- 30 auxiliary, or a convention or association of such church, mosque or religious



1 body that is exempt from filing a income tax return under the provisions of  
2 the Income Tax law;

3 "Lobbying" means a paid activity in which special interests hire well  
4 connected or influential persons, to argue for or against specific bill or other  
5 legislative matter in a Legislative House;

6 "Lobbyist" means a person's registered or authorizes to carry on the business  
7 of Lobbying in a Legislative House by under this Bill;

8 "Person" means individual or company;

9 "Registrar of Lobbyists" means Clerk of a Legislative House in Nigeria.

10 16. This Bill may be cited as Lobbyist (Registration and Citation  
11 Regulation) Bill, 2019.

#### 12 SCHEDULE

#### 13 LOBBYIST (REGISTRATION AND REGULATION) BILL

#### 14 CODE OF CONDUCT FOR LOBBYING

#### 15 *Preamble*

16 1. Lobbying is an integral part of our nation's democratic process.  
17 Government officials are continuously making public policy decisions that  
18 affect the vital interests of individuals, corporations, labor organisations,  
19 religious groups, charitable institutions and other entities.

20 2. Public officials need to receive factual information from  
21 affected interests and to know such parties' views in order to make informed  
22 policy judgments.

23 3. In exercising their rights to try to influence public policy,  
24 interests often choose to employ professional representatives to monitor  
25 developments and advocate their positions, or to use lobbyists through their  
26 membership in trade associations and other membership organizations.  
27 Tens of thousands of men and women now are professional lobbyists and  
28 represent virtually every type of interest.

29 4. To help preserve and advance public trust and confidence in our  
30 democratic institutions and the public policy advocacy process,

## 1 ARTICLE IV - CONFLICTS OF INTEREST

2 A lobbyist should not continue or undertake representations that may create  
3 conflicts of interest without the informed consent of the client or potential  
4 client involved.

5 1. A lobbyist should avoid advocating a position on an issue if the  
6 lobbyist is also representing another client on the same issue with a conflicting  
7 position.

8 2. If a lobbyist's work for one client on an issue may have a significant  
9 adverse impact on another client's interests, the lobbyist should inform and  
10 obtain consent from the other client whose interests may be affected of this fact  
11 even if the lobbyist is not representing the other client on the same issue.

12 3. A lobbyist should disclose all known conflicts to the client or  
13 prospective client and discuss and resolve the conflict issues promptly.

14 4. A lobbyist should inform the client if any other person is receiving  
15 as direct or indirect referral or consulting fee from the lobbyist due to or in  
16 connection with the client's work and the amount of such fee or payment.

## 17 ARTICLE V - DUE DILIGENCE AND BEST EFFORTS

18 A lobbyist should vigorously and diligently advance and advocate the client's  
19 or employer's interests.

20 1. A lobbyist should devote time, attention, and resources to the  
21 client's or employer's interests that are commensurate with client expectations,  
22 agreements, and compensation.

23 2. A lobbyist should exercise loyalty to the client's or employer's  
24 interests.

25 3. A lobbyist should keep the client or employer informed regarding  
26 the work that the lobbyist is undertaking and, to the extent possible, should give  
27 the client the opportunity to choose between various options and strategies.

## 28 ARTICLE VI - COMPENSATION AND ENGAGEMENT TERMS

29 1. A lobbyist who is retained by a client should have a written  
30 agreement with the client regarding the terms and conditions for the lobbyist's

1 services, including the amount of and basis for compensation. The  
2 agreement should include the subject of expenses, and the lobbyists should  
3 charge only those expenditures made on behalf of the client and in  
4 furtherance of the objective pursued on the client's behalf.

5 2. The fees charged by a lobbyist should be reasonable, taking into  
6 account the facts and circumstances of the engagement.

7 3. A lobbyist shall disclose to other clients and, if requested, to  
8 government officials the existence of any agreement for the receipt of  
9 contingent fees or bonuses for obtaining or preventing the enactment of  
10 legislation.

11 4. Upon termination of representation, a lobbyist should take steps  
12 to the extent reasonably practicable to protect an employer's or client's  
13 interests, such as giving reasonable notice to the employer or client,  
14 allowing time for employment of another lobbyist, and surrendering papers  
15 and property to which the employer or client is entitled.

#### 16 ARTICLE VII - CONFIDENTIALITY

17 A lobbyist should maintain appropriate confidentiality of client or employer  
18 information.

19 1. A lobbyist should not disclose confidential information without  
20 the client's or employer's written consent.

21 2. A lobbyist should not use confidential client information against  
22 the interests of a client or employer or for any purposes not contemplated by  
23 the engagement or terms of employment.

#### 24 ARTICLE VIII - PUBLIC EDUCATION

25 1. A lobbyist should seek to ensure better public understanding  
26 and appreciation of the nature, legitimacy and necessity of lobbying in our  
27 democratic governmental process pursuant to the provisions of 1999  
28 Constitution as amended.

29 2. A lobbyist is encouraged to provide lobbying or related services  
30 to persons or organisation that pursue objectives for public interest but who

1 do not have the ability to pay for the services.

2 ARTICLE IX - DUTY TO GOVERNMENTAL INSTITUTIONS

3 In addition to fulfilling duties and responsibilities to the client or employer, a  
4 lobbyist should exhibit proper respect for the governmental institutions before  
5 which the lobbyist represents and advocates clients' interests.

6 1. A lobbyist should not act in any manner that will undermine public  
7 confidence and trust in the democratic governmental process.9.2. A lobbyist  
8 should not act in a manner that shows disrespect for government institutions.

9 ATTESTATION

10 I, the undersigned Lobbyist, understand the contents of the above Code of  
11 Lobbying Ethics and undertakes to comply and abide with the contents thereof:

12 Name of Lobbyist:.....

13 Company name .....

14 Address:.....

15 Signatures:.....

16 Date:.....

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Registration and Regulation of Lobbyist in  
Nigeria.