

NATIONAL VOLUNTEER SERVICE
AGENCY BILL, 2020

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL VOLUNTEER SERVICE AGENCY TO FOSTER AND CO-ORDINATE VOLUNTEER SERVICES AND MOBILISATION OF NIGERIANS IN DIASPORA FOR THE FACILITATION AND ACHIEVEMENT OF SOCIAL TRANSFORMATION, NATION BUILDING AND SUSTAINABLE DEVELOPMENT IN NIGERIA, AND PROTECT VOLUNTEERS FROM PERSONAL LIABILITY AND FOR RELATED MATTERS

Sponsored by HON. BAMIDELE SALAM

Commence-
ment.

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

PART I — ESTABLISHMENT OF THE NATIONAL

VOLUNTEER SERVICE AGENCY

1. — (1) There is established the National Volunteer Service Agency (in this Bill referred to as "the Agency").

Establishment
of the
National
Volunteer
Service
Agency.

(2) The Agency —

(a) shall be a body Corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and

(b) may acquire, hold, mortgage, purchase and deal with property, whether movable or immovable.

2. The Agency shall:

Functions of
the National
Volunteer
Service
Agency.

(a) formulate policies, principles and guidelines for volunteer services, programmes and activities consistent with national development priorities;

(b) coordinate, monitor and evaluate volunteer service programmes to fit into national development goals;

(c) develop, implement and review model of volunteering for government and non-government organization;

1 (d) provide technical services and support for volunteers and
2 volunteer organizations;

3 (e) create awareness on national volunteer programmes, and for the
4 recognition of volunteering as a tool for national development;

5 (f) promote partnerships, synergy, integration and cooperation
6 among national and international organizations focusing on volunteer
7 services and programmes;

8 (g) establishment of offices at the state and local government
9 level for the promotion of volunteerism and social development;

10 (h) provide conducive and enabling environment for volunteers
11 and volunteer service organizations, and set mechanisms to protect
12 volunteers' rights and privileges;

13 (i) engagement of youths in volunteer programmes by encouraging
14 synergy with the National Youth Service Corps and other youths
15 related government and non-governmental institutions;

16 (j) coordinate Nigerians in the diaspora in National Development;

17 (k) ensure continued research and training on volunteering; and

18 (l) perform such other functions as may be determined by the
19 Board to give effect to the provisions of this Bill.

Establishment
and
Membership
of the
Governing
Board.

20 ~~3.—~~ (1) There is established for the management of the affairs of
21 the Agency, a Governing Board (in this Bill referred to as "the Board").

22 (2) The Board shall consist of:

23 (a) the Minister charged with responsibility for matters relating
24 to Budget and National planning who shall be the Chairman;

25 (b) one representative not below the rank of a Director from the
26 National Planning Commission;

27 (c) one representative not below the rank of a Director from the
28 Ministries responsible for matters relating to:

29 (i) Budget and National Planning,

30 (ii) Youth Development,

31 (iii) Labour and Productivity,

- 1 (iv) Finance,
- 2 (v) Health,
- 3 (vi) Justice,
- 4 (vii) Women Affairs,
- 5 (viii) Agriculture and Rural Development,
- 6 (ix) Industry, Trade and Investment,
- 7 ~~(x) Education,~~
- 8 (xi) Foreign Affairs;

9 (d) two (2) representatives of Non-Governmental Organizations
10 involved in Volunteering Programmes and Social Development;

11 (e) two (2) representatives not below the rank of a Director from
12 the National Universities Commission;

13 (f) one (1) representative not below the rank of a Director from
14 National Youth Service Corps (NYSC); and

15 (g) the Secretary who shall be the Director General of the
16 Agency.

17 (3) The members of the Board shall be appointed by the President
18 subject to confirmation by the Senate.

19 (4) The Board shall from time to time elect from among its
20 members a vice-chairman, who shall in the absence of the chairman
21 have all the powers and duties of the chairman, and if neither the
22 chairman nor the vice-chairman is available, shall nominate a person
23 from their own ranks to preside at that meeting.

24 (5) Members of the Board shall —

25 (a) be persons of unquestionable character and proven integrity;
26 and

27 (b) as much as possible reflect equitable representation from the
28 six geopolitical zones in Nigeria.

29 (6) The Board shall meet for the conduct of its ordinary meetings
30 at least 4 times in a calendar year.

31 (7) Notwithstanding the provision of sub section (6) of this section,

1 the Board may meet to conduct such other business as exigency
2 demands.

3 (8) The supplementary provision set out in the schedule to this
4 Bill shall have effect with respect to the proceedings of the Board and
5 other related matters.

Powers of
the Board.

6 4. The Board shall have powers to —

7 (a) manage and superintend the affairs of the Agency;

8 (b) coordinate all volunteering services, programmes, policies,
9 and projects in the country by both government and non-government
10 organizations;

11 (c) employ best social protection standards for the management
12 and co-ordination of volunteering services and initiatives;

13 (d) set up a framework for the coordination and implementation
14 of the volunteering programmes and activities in the Federation;

15 (e) provide guiding principles and general policies for managing
16 volunteering programmes and activities in the Federation;

17 (f) conduct overall monitoring, evaluation and review of
18 volunteering services;

19 (g) coordinate the activities of all partners' contribution to
20 volunteering activities in line with the Federal Government's
21 strategy;

22 (h) formulate general policies for the regulation and development
23 of the Agency;

24 (i) subject to the provisions of this Bill, make, alter, and revoke
25 rules and regulations for carrying out the functions of the Agency;

26 (j) borrow or dispose of any property subject to the approval by
27 a two-third's majority of the Board;

28 (k) appoint either on transfer, secondment or leave of absence
29 from any public service of the federation or private sector, such
30 number of employees as may, in the opinion of the Board be required
31 to assist the Agency in the discharge of any of its functions under

1 this Bill;

2 (l) subject to the provisions of this Bill, by general or special
3 order in writing, delegate to any member or officer of the Agency
4 or any other person subject to such conditions, if any, as may be
5 specified in the order, such of its powers and functions under this
6 Bill as it may deem necessary; and

7 (m) do such other thing which in the opinion of the Board are
8 necessary and expedient to ensure the efficient discharge of the
9 functions of the Agency.

10 5.—(1) A member of the Board shall hold office for a term of
11 four years renewable for another term of four years and no more.

Tenure of
office of
Members of
the Board.

12 (2) No person shall be appointed as a member of the Board if the
13 person:

14 (a) is an undischarged bankrupt;

15 (b) fails to comply or is not capable of fully complying with a
16 judgment or order, including an order for costs, given against him
17 or her by a court of law in a civil case; or

18 (c) in the preceding 10 years has been convicted of an offence of
19 which fraud, violence, dishonesty, extortion or intimidation is an
20 element.

21 6.—(1) The Chairman or a member of the Board shall vacate the
22 office if the person —

Cessation of
Membership.

23 (a) becomes subject to a disqualification contemplated in section
24 5 (2) of this Bill;

25 (b) becomes of unsound mind;

26 (c) is convicted of a felony or any offence involving dishonesty;

27 (d) is guilty of serious misconduct in relation to his duties, and

28 (e) is absent without the leave of the secretary for more than two
29 consecutive meetings of the Board.

30 (2) The Chairman or a member of the Board may be removed
31 from office by the President, subject to the approval of the National

1 Assembly, if the President satisfied that it is not in the interest of the
2 Agency or Public that the member should continue in that office.

3 (3) The Chairman or a member of the Board, may resign their
4 appointment by a notice in writing under his hand, addressed to the
5 President.

6 (4) Where a vacancy occurs in the membership of the Board, it
7 shall be filled by the appointment of a successor to hold office for the
8 remainder of the term of office of the predecessor, so that the successor
9 shall represent the same interest and shall be appointed by the President.

Allowances
of Members
of Board.

10 7. There shall be paid to every member of the Board such
11 remuneration and allowances as the President may from time to time
12 determine.

Applicability.

13 ~~8. Notwithstanding the provisions of any other legislation relating~~
14 to Volunteering service in the Federation, this Bill shall, as much as
15 practicable and the availability of resources, be applicable to all
16 Ministries, Departments and Agencies in the Federation and any Non-
17 Governmental Organization providing volunteering service.

18 PART II — STAFF OF THE AGENCY

Appointment
and tenure
of office of
the Director
General.

19 9. There shall be appointed for the Agency, a Director General,
20 who shall —

21 (a) be appointed by the President subject to confirmation by the
22 Senate;

23 (b) be the Chief Executive and Accounting Officer of the Agency;

24 (c) be responsible to the Board for the day-to-day administration
25 ~~of the Agency;~~

26 (d) be a person with cognate experience in the field of Social
27 development and Volunteering for period of not less than 15 years;

28 (e) have considerable administrative experience;

29 (f) be a fit and proper person and be of proven integrity and ability,
30 and

31 (g) have qualifications and experience as are appropriate for a

1 person required to perform the functions of that office under this
2 Bill.

3 (2) The Director General shall hold office for a term of four
4 years, renewable for another term of four years and no more and on
5 such terms and conditions as to emoluments, and conditions of service
6 as may be specified in his letter of appointment.

7 **10.** The Director General shall, subject to the general direction
8 of the Board, be responsible for —

Duties of the
Director
General.

9 (a) the day to day administration of the Agency;

10 (b) keeping the books and proper records of the proceedings of
11 the Board;

12 (c) the administration of the secretariat of the Board, and

13 (d) the general direction and control of all other employees of the
14 Agency.

15 **11.—**(1) The Board shall appoint for the Agency such number of
16 employees as may in the opinion of the Board be expedient and
17 necessary for the proper and efficient performance of the functions of
18 the Agency.

Other Staff
of the
Agency.

19 (2) Nothing in this Bill shall preclude the Board from appointing
20 persons from outside the public service of the Federation or of the
21 State whenever it deems it necessary so to do.

22 (3) The terms and conditions of service (including remuneration,
23 allowances, benefits and pensions) of the employees of the Agency
24 shall be as determined by the Board.

25 **12.—**(1) Service in the Agency to be pensionable under the
26 subsisting Pensions Act.

Pension.

27 (2) Employees of the Agency shall be entitled to pension, gratuity
28 and other retirement benefits as are enjoyed by persons holding
29 equivalent grades in the Civil Service of the Federation.

30 (3) Notwithstanding in sub section(1) or (2) of this section, nothing
31 in this Bill shall prevent the appointment of a person to any office on

1 terms which preclude the grant of pension and gratuity in respect of.
2 ~~that office.~~

3 (4) For the purposes of the application of the provisions of the
4 Pension Reform Act, any power exercisable by a Minister or other
5 authority of the Government of the Federation, other than the power
6 to make regulations under section 23 thereof, is vested in and shall be
7 exercisable by the Board.

8 PART III — FINANCIAL PROVISIONS

Fund of the
National
Volunteer
Service
Programmes
Agency.

9 13.—(1) There shall be established and maintained by the Agency,
10 a Fund into which shall be paid and credited —

11 (a) all allocations from the Federal Government;

12 (b) such monies as may, from time to time, be lent, deposited or
13 granted to the Agency by the Government of the Federation or of a
14 State;

15 (c) all donations and Grants received from both local and
16 international organizations for the purpose of the volunteering
17 services and programmes;

18 (d) fees, penalties, charges, administrative costs of proceedings,
19 and other moneys payable to the Agency in pursuance of this Bill;

20 (e) all monies received by the Agency as gifts, endowments,
21 loans, contributions, testamentary deposition or donations; and

22 (f) all other monies and assets which may accrue to the Fund
23 from time to time.

24 (2) The Fund shall be managed in accordance with rules made
25 by the Board and without prejudice to the generality of the power to
26 make rules under this sub section, the rules shall in particular contain
27 ~~provisions —~~

28 (a) specifying the manner in which the assets of the Fund are to
29 be held and regulating the making payments into and out of the Fund;
30 and

31 (b) requiring the keeping of proper accounts and records for the

1 purposes of the Fund in such form as may be specified in the rules.

2 **14.** The Agency shall apply the proceeds of the Fund established
3 pursuant to section 13 of this Bill to —

4 (a) cost of administration of the Agency;

5 (b) publicizing and promoting the activities of the Agency;

6 (c) payment of official expenses of members of the Board and
7 committees of the Board;

8 (d) payment of salaries, allowances and benefits of employees
9 of the Agency;

10 (e) cost of maintenance of any property acquired or vested in
11 the Agency;

12 (f) capital expenditure approved by the Agency;

13 (g) the payment for all contracts, including mobilization,
14 fluctuations, variations, legal fees and cost on contract
15 administration, and

16 (h) to undertaking such other expenses and activities as are
17 connected with all or any of the functions of the Agency under this
18 Bill.

19 **15.—**(1) The Agency may accept gifts of land, money or other
20 property on such terms and conditions considered lawful.

21 (2) The Agency shall not accept any gift if the conditions attached
22 by the person or organization making the gift are inconsistent with the
23 functions of the Agency under this Bill.

24 **16.—**(1) The Chairman of the Board shall, not later than 30th
25 September of each year, submit to the Board, an estimate of the
26 expenditure and income for the next succeeding year.

27 (2) The Board shall cause to be kept proper accounts of the Agency
28 in respect of each year and proper records in relation thereto and shall
29 cause the accounts to be audited not later than 6 months after the end
30 of each year by auditors appointed from the list in accordance with the
31 guidelines supplied by the Auditor-General of the Federation.

Expenditure
of the
National
Volunteer
Service
Programmes
Agency.

Power to
accept gifts.

Annual
estimates
and
expenditure.

Annual
report.

1 **17.—**(1) The Board shall prepare and submit to the President, not
2 later than 30th June in each year, a report in such form as the President
3 may direct on the activities of the Agency during the immediately preceding
4 year, and shall include in the report a copy of the audited accounts of the
5 Agency for that year and auditor's report thereon.

6 (2) The President shall, upon receipt of the report referred to in
7 sub section (1) of this section, cause a copy of the report and the audited
8 accounts of the Agency and the auditor's report thereon to be submitted
9 to each House of the National Assembly.

Power to
borrow.

10 **18.** The Agency may, with the approval of the Board, borrow,
11 on such terms and conditions as the Agency may require in the exercise
12 of its functions under this Bill.

Exemption
from tax.

13 **19.—**(1) The Agency shall not pay income tax on any income
14 derived by the Board under this Bill or accruing to it from any of its
15 ~~investments.~~

16 (2) Accordingly, the provisions of any enactment relating to the
17 taxation of companies or trust funds shall not apply to the Board of the
18 Agency.

Exemption
from
customs
duties, etc.

19 **20.** The Agency shall not pay customs duty on or be restricted or
20 prohibited from importing any equipment, material, supply and any
21 other thing required by the Agency for the purposes of this Bill.

22 PART IV — MISCELLANEOUS PROVISIONS

Integration
of
~~Volunteerism.~~

23 **21.—**(1) All relevant government and non-government
24 ~~organizations shall~~ integrate volunteerism as part of the curriculum in
25 basic and higher education to raise the consciousness of the youths and
26 develop the culture of volunteerism among the citizenry.

27 (2) All government organizations shall establish volunteer service
28 programs and projects, and encourage government employees to
29 render volunteer service.

Volunteer's
limitation of
liability.

30 **22.—**(1) Notwithstanding anything contained in any other law or
31 enactment, no volunteer shall be liable for any damage arising out of or

1 incidental to an act or omission of the volunteer, if the volunteer was —

2 (a) acting within the scope of the volunteer's responsibilities in
3 the organization at the time of the act or omission; or

4 (b) properly licensed, certified or authorized, if required by law,
5 for the activities incidental to the act or omission;

6 (2) Notwithstanding anything contained in any other law or
7 enactment, no volunteer of an organization shall be liable for any act
8 done in pursuance or execution of the volunteer's responsibility by the
9 organization, unless the —

10 (a) damage was caused by willful, reckless or criminal
11 misconduct or gross negligence by the volunteer;

12 (b) damage was caused by the volunteer while operating a motor
13 vehicle, vessel, aircraft or other vehicle for which the owner is
14 required by law to maintain insurance;

15 (c) the act or omission which caused the damage constitutes an
16 offence; or

17 (d) volunteer was unlawfully using or impaired by alcohol or
18 drugs at the time of the act or omission which caused the damage.

19 (3) An organization shall not recover from a volunteer, any award
20 or amount awarded in respect of damage caused by a volunteer for
21 which the volunteer is not liable under Bill.

22 (4) Nothing in this section affects —

23 (a) any civil action brought by any organization against any
24 volunteer of such organization or entity; or

25 (b) the liability of any non-profit organization with respect to
26 harm caused to any person.

27 **23.** The Board may, with the approval of the Minister, make Regulations.
28 regulations as may be necessary or expedient for giving full effect to
29 the provisions of this Bill and for its administration thereof.

30 **24.** The President may give to the Board directions of a general , Power to
31 character or relating generally to particular matters (but not to any give
Directives.

1 individual person or case) with regard to the exercise by the Board of
 2 its functions under this Bill, and it shall be the duty of the Board to
 3 comply with the directions; but no direction shall be given which is
 4 inconsistent with the duties of the Board under this Bill.

Pre action
notice.

5 **25.—**(1) A person aggrieved by any action or decision of the
 6 Agency under this Bill, including such action or decision taken on the
 7 basis of the Board's power under this Bill may bring an action in the
 8 Federal High Court provided that the aggrieved person shall give
 9 the Agency 21 days' notice in writing of the intention to bring an action
 10 against such action or decision.

11 (2) The intending Plaintiff shall serve on the Board, a formal
 12 written notice which shall clearly and explicitly state —

13 (a) the cause of action;

14 (b) the particulars of the claim;

15 (c) the name and place of abode of the intending plaintiff; and

16 (d) the relief which the Plaintiff intends to claim.

17 (3) The notice of intention to initiate an action against the Agency
 18 referred to in sub sections (1) and (2) of this section may be addressed
 19 to and delivered to the office of the Chairman of the Board.

Limitation of
suits against
the National
Volunteer
Service
Agency.
Offences.

20 **26.** Subject to the provisions of this Bill, the provisions of the
 21 Public Officers Protection Act shall apply in relation to any suit against
 22 any member or Officer or employee of the Agency.

23 **27.** Notwithstanding anything contained in any other law or
 24 enactment, no suit shall lie against any member of the Board, the
 25 chairman or any other officer or employee of the Agency for any act
 26 done in pursuance or execution of this Bill or any other law or enactment,
 27 or any alleged neglect or default in the execution of this Bill or such
 28 law or enactment, duty or authority, shall lie or be against the Agency
 29 in any court unless —

30 (a) it is commenced within three months after the act, neglect or
 31 default complained of; or

1 (b) in the case of a continuation of damage or injury, within six
2 months next after the leasing thereof,
3 any person who diverts or appropriates funds, gifts or donations to the
4 Agency pursuant to section 13 for his private use shall be liable on
5 conviction to a term not exceeding 3 years imprisonment or to a fine
6 of ₦1,000,000.00 or both

7 **28.** A notice, summons or other document required or authorized
8 to be served upon the Agency under the provisions of this Bill or any
9 other law or enactment may be served by delivering it to the Director
10 General.

Service of
documents.

11 **29.** In any action or suit against the Agency, no execution or
12 attachment of process shall be made against the Agency, unless not
13 less than three months' notice of the intention to execute or attach has
14 been given to the Agency.

Restriction
of execution
against
property of
the Agency.

15 **30.** A member of the Board, the Director General, any officer
16 or employee of the Agency, shall be indemnified out of the assets of
17 the Agency against any proceeding, whether civil or criminal, in which
18 judgment is given in their favor, or in which the person is acquitted, if
19 any such proceeding is brought against the person in their capacity as
20 a member of the Board, the Director General, officer or employee of
21 the Agency.

Indemnity of
Officers.

22 **31.** In this Bill, unless the context otherwise requires —

Interpretation.

23 "Board" means the National Volunteer Service Board;

24 "Chairman" means the chairman of the Board;

25 "Minister" means the Minister charged with responsibility for
26 matters relating to Budget and National planning;

27 "Volunteerism" means an act involving a wide range of activities,
28 including traditional forms of mutual aid and developmental
29 interventions that provides an enabling and empowering environment
30 both on the part of the beneficiary receiving, and the volunteer
31 rendering the act, undertaken for reasons arising from socio-

1 developmental, business or corporate orientation, commitment or
2 conviction for the attainment of the public good and where monetary
3 and other incentives or reward are not the primary motivating
4 factors;

5 “Volunteer” refers to an individual or group who for reasons
6 arising from their socio-developmental, business and corporate
7 orientation, commitment or conviction, contribute time, service and
8 resources whether on full-time or part time basis to a just and
9 essential social development cause, mission or endeavor;

10 “Volunteer Service Organization” refers to a local or foreign
11 group that recruits, trains, deploys and supports volunteer workers
12 to programs and projects implemented by them, other organizations
13 or any group that provides services.

[Citation. 14 **32.** This Bill may be cited as National Volunteer Service Agency
15 Bill, 2020.

SCHEDULE

Section 3 (8)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1.—(1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be 5 members and the quorum of any committee of the Board shall be determined by the Board.

2.—(1) The Board shall meet not less than 4 times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than 3 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3.—(1) The Board may constitute one or more Committees to carry out, on behalf of the Board, such of its functions or the functions of the Board as the Board may determine.

(2) A committee constituted under this paragraph shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

(3) Subject to the provisions of this Bill and the decision of the Board, a committee constituted under this Bill may regulate its own proceedings and business.

(4) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

4.—(1) The fixing of the seal of the Fund shall be authenticated by the signature of the Chairman and any other person authorized generally or specially to act for that purpose by the Board. ~~Miscellaneous.~~

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Fund by the Chairman of the Board or any person generally or specially authorized to act for that purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Fund shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceeding of the Board or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Volunteer Service Agency to foster and co-ordinate volunteer services and mobilization of Nigerians in diaspora for the facilitation and achievement of social transformation, nation building and sustainable development in Nigeria, and protect volunteers from personal liability.