

A  
BILL  
FOR

AN ACT TO ESTABLISH THE CIVIL SOCIETY REGULATORY COMMISSION  
AND FOR CONNECTED PURPOSES

Sponsor: Hon. Abbas Tajudeen

] Commencement

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

PART I - ESTABLISHMENT OF THE CIVIL SOCIETY  
REGULATORY COMMISSION

1. (1) There is established a Commission to be known as the Civil Society Regulatory Commission (in this Bill referred to as "the Commission").  
(2) The Commission -
    - (a) shall be a body corporate with perpetual succession and a common seal;
    - (b) may sue and be sued in its corporate name; and
    - (c) may acquire, hold or dispose of any moveable or immoveable property for the purpose of its functions under this Bill.(3) The headquarters of the Commission shall be located in the Federal Capital Territory, Abuja.
- Establishment of the Commission and location of its headquarters
2. (1) There shall be established for the Commission a Governing Council (hereinafter referred to as "the Council") which shall be responsible for running the affairs of the Commission.  
(2) The Council shall consist of-
    - (a) a Chairman;
    - (b) one person representing each of the six geo-political zones of the country;
    - (c) two persons to represent all the Civil Society Organisations in the country
    - (d) a representative of persons with physical challenges;
    - (e) a representative of all the Youth Organisations in the country;
    - (e) a representative of the following Federal establishments not below
- Establishment of the Commission's Governing Council,

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the rank of a Director -

- (i) Federal Ministry of Youths and Sports Development,
- (ii) Federal Ministry of Women Affairs,
- (iii) Federal Ministry of Justice, (iv)
- Federal Ministry of Education, (v)
- Federal Ministry of Health, and
- (vi) Federal Character Commission; and

(f) the Executive Secretary of the Commission.

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

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

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

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

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

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

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

(2) The Executive Secretary shall -

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

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

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

(a) if the member becomes bankrupt;

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

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

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

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

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

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

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

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

6. (1) The Council shall have power to: Powers of the Council

(a) formulate the general policies and guidelines relating to the functions of the Commission;

(b) manage and superintend the affairs of the Commission;

(c) subject to the provisions of the Bill, make, alter and revoke rules and regulations for carrying on the functions of the Commission;

(d) in accordance with the extant provisions for the Civil Service of the Federation, fix terms and conditions of service, including remuneration, of the employees of the Commission;

(e) in accordance with the provisions of this Bill, do such other things which, in the opinion of the Council, are necessary to ensure efficient performance of the functions of the Commission.

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

## **PART II - OBJECTIVES, FUNCTIONS AND DUTIES OF THE COMMISSION**

7. The Commission shall have the objectives of -> Objectives of the Commission

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- (a) increasing public constitution and confidence in civil societies;
- (b) promoting awareness and understanding of the operation of public benefit requirement of civil societies;
- (c) promoting compliance by civil society 'constitutions with their legal obligations in exercising control and management of the administration of their Civil societies;
- (d) promoting effective use of civil society resources; and
- (e) enhancing accountability by civil societies to donors, beneficiaries and the general public.

8. The Commission shall have the following general functions- Functions of the Commission
- (a) determining whether institutions are or are not civil societies;
  - (b)(i) encouraging and facilitating better administration of civil societies and giving such advice or guidance with respect to the administration of civil societies as it considers appropriate;
  - (ii) any advice or guidance so given may relate to-
    - (a) civil societies generally,
    - (b) any class of civil societies, or
    - (c) any particular civil society,
 and may take such form, and be given in such manner, as the Commission considers appropriate;
  - (c) identifying and investigating apparent misconduct or mismanagement in the administration of civil societies and taking remedial or protective action in connection with misconduct or mismanagement in the administration of any Civil society;
  - (d) determining whether public collections certificates should be issued to any Civil society, and remain in force, in respect of public charitable collections;
  - (e) maintaining an accurate and up-to-date register of Civil societies;
  - (f) obtaining, evaluating and disseminating information in connection with the performance of any of the Commission's functions or meeting any of its objectives;
  - (g) giving information or advice, or making proposals, to any Federal or State Ministry, Department or Agency on matters relating to any of the Commission's functions or meeting any of its objectives; and
  - (h) complying, so far as is reasonably practicable, with any request made by appropriate organisations for information or advice on any matter relating to any of its functions.
9. The Commission shall have the following general duties- Duties of the Commission
- (1) So far as is reasonably practicable, the Commission shall, in performing its functions, act in a way-
    - (a) which is compatible with its objectives;
    - (b) which it considers most appropriate for the purpose of meeting those objectives; and
    - (c) which is compatible with the encouragement of
      - (i) all forms of charitable giving, and
      - (ii) voluntary participation in charity work.
  - (3) In performing its functions the Commission shall -

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- (a) object to its being entered by the Commission in the register, or
- (b) apply to the Commission for it to be removed from the register.
- (2) Provision may be made by regulations made by the Commission as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- (3) If there is any appeal against any decision of the Commission -
  - (a) to enter an institution in the register, or
  - (b) not to remove an institution from the register
 until the Commission is satisfied whether the decision of the Commission is or is not to stand, the entry in the register-
  - (a) is to be maintained, but
  - (b) shall be in suspense and shall be marked to indicate that it is in suspense.
- (5) Any question affecting the registration or removal from the register of an institution may be considered afresh by the Commission, if it appears to the Commission that-
  - (i) there has been a change of circumstances, or
  - (ii) the decision is inconsistent with a later judicial decision.

13. (1) An institution is, for all purposes other than rectification of the register, conclusively presumed to be or to have been a Civil society at any time when it is or was on the register. Effect of registration
- (2) For the purposes of subsection (1) an institution is to be treated as not being on the register during any period when the entry relating to it is in suspense.

14. (1) The register, including the entries cancelled when institutions are removed from the register, shall be open to public inspection at all reasonable times. Right to inspect register
- (2) If any information contained in the register is not in documentary form, subsection (1) is to be read as requiring the information to be available for public inspection in legible form at all reasonable times.
- (3) Copies or particulars of the constitutions of any registered Civil society as supplied to the Commission in connection with its registration shall, so long as the Civil society remains on the register

- (a) be kept by the Commission, and
- (b) be open to public inspection at all reasonable times.

**PARTIV - POWERS OF THE COMMISSION**

15. (1) The Commission may by order published in the *Official Gazette* remove the name of a Civil society that in its opinion that has ceased to exist. Power to remove defunct institutions from Register
- (2) Before making as stated in subsection (1) of this section, the Commission shall satisfy itself that the Civil society has actually ceased to exist.
- (3) The onus is on the constitutionees of the Civil society to satisfy the Commission that it has not ceased to exist.

16. (1) The Commission may give a direction requiring the name of a Civil society to be changed, within such period as is specified in the direction, to such other name as the Civil society constitutionees may determine with the approval of the Commission. Power to require name to be changed
- (2) Subsection (1) of this section applies to a Civil society if-
- (a) it is a registered Civil society and its name ("the registered name")

- (a) object to its being entered by the Commission in the register, or
- (b) apply to the Commission for it to be removed from the register.
- (2) Provision may be made by regulations made by the Commission as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- (3) If there is any appeal against any decision of the Commission-
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  - (b) not to remove an institution from the register
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(2) Subsection (1) of this section applies to a Civil society if-

- (a) it is a registered Civil society and its name ("the registered name")

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- (i) is the same as, or
  - (ii) is in the opinion of the Commission too like, the name, at the time when the registered name was entered in the register in respect of the Civil society, of any other Civil society whether registered or not;
  - (b) the name of the Civil society is in the opinion of the Commission likely to mislead the public as to the true nature of -
    - (i) the purposes of the Civil society as set out in its constitutions, or
    - (ii) the activities which the Civil society carries on under its constitutions in pursuit of those purposes;
  - (c) the name of the Civil society includes any word or expression for the time being specified in regulations made by the Commission and the inclusion in its name of that word or expression is in the opinion of the Commission likely to mislead the public in any respect as to the status of the Civil society;
  - (d) the name of the Civil society is in the opinion of the Commission likely to give the impression that the Civil society is connected in some way with the Federal or State Government or any local authority, or with any other body of persons or any individual, when it is not so connected; or
  - (e) the name of the Civil society is in the opinion of the Commission offensive.
  - (3) Any direction given by virtue of subsection (2)(a) of this section must be given within 12 months of the time when the registered name was entered in the register in respect of the Civil society.
  - (4) In subsection (2) of this section any reference to the name of a Civil society is, in relation to a registered Civil society, a reference to the name by which it is registered.
  - (5) Any direction given under this section with respect to a Civil society must be given to the Civil society constitutionees.
17. (1) On receiving a direction under section 16 of this Bill the Civil society constitutionees must give effect to it regardless of anything in the constitutions of the Civil society. Duty of Civil society constitutionees on receiving direction under s.16
- (2) If the name of any Civil society is changed by virtue of section 16 of this Bill, the Civil society constitutionees must without delay notify the Commission of-
- (a) the Civil society's new name, and
  - (b) the date on which the change occurred.
18. (1) A change of name by a Civil society by virtue of section 16 of this Bill does not affect any rights or obligations of the Civil society. Change of name not to affect existing rights and obligations, etc.
- (2) Any legal proceedings that might have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.
19. (1) The Commission may from time to time institute inquiries with regard to Civil societies or a particular Civil society or class of Civil societies, either generally or for particular purposes. General power to institute inquiries
- (2) The Commission may -
- (a) conduct such an inquiry itself, or
  - (b) appoint a person to conduct it and make a report to the Commission.
20. (1) For the purposes of an inquiry, the Commission, or a person Obtaining

- (i) is the same as, or
  - (ii) is in the opinion of the Commission too like, the name, at the time when the registered name was entered in the register in respect of the Civil society, of any other Civil society whether registered or not;
  - (b) the name of the Civil society is in the opinion of the Commission likely to mislead the public as to the true nature of -
    - (i) the purposes of the Civil society as set out in its constitutions, or
    - (ii) the activities which the Civil society carries on under its constitutions in pursuit of those purposes;
  - (c) the name of the Civil society includes any word or expression for the time being specified in regulations made by the Commission and the inclusion in its name of that word or expression is in the opinion of the Commission likely to mislead the public in any respect as to the status of the Civil society;
  - (d) the name of the Civil society is in the opinion of the Commission likely to give the impression that the Civil society is connected in some way with the Federal or State Government or any local authority, or with any other body of persons or any individual, when it is not so connected; or
  - (e) the name of the Civil society is in the opinion of the Commission offensive.
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- (2) The Commission may -
- (a) conduct such an inquiry itself, or
  - (b) appoint a person to conduct it and make a report to the Commission.
20. (1) For the purposes of an inquiry, the Commission, or a person Obtaining



appointed by the Commission to conduct it, may direct any person - evidence, etc.  
 (a) if a matter in question at the inquiry is one on which the person has for purposes of  
 or can reasonably obtain information - inquiry  
 (i) to provide accounts and statements in writing with respect to the  
 matter, or to return answers in writing to any questions or inquiries  
 addressed to the person on the matter, and  
 (ii) to verify any such accounts, statements or answers by statutory  
 declaration;  
 (b) to provide copies of documents which are in the custody or under  
 the control of the person and which relate to any matter in question at  
 the inquiry, and to verify any such copies by statutory declaration;  
 (c) to attend at a specified time and place and give evidence or  
 produce any such documents.  
 {2) For the purposes of an inquiry-  
 {a) evidence may be taken on oath, and the person conducting the  
 inquiry may for that purpose administer oaths; or  
 (b) the person conducting the inquiry may instead of administering an  
 oath require the person examined to make and subscribe a declaration  
 of the truth of the matters about which that person is examined.  
 (3) The Commission may pay to any person attending to give  
 evidence or produce documents for the purpose of an inquiry the  
 necessary expenses of doing so.  
 21. (I) On application from the Commission, a magistrate may issue a Power to obtain  
 warrant under this section if satisfied, on information given on oath by search warrant  
 a member of the Commission's staff, that there are reasonable grounds for purposes of  
 for believing that each of the conditions in subsection (2) of this inquiry  
 section is satisfied.  
 (2) The conditions are -  
 (a) that an inquiry has been instituted under section 19 of this Bill,  
 (b) that there is on the premises to be specified in the warrant any  
 document or information relevant to that inquiry which the  
 Commission could require to be produced or provided; and  
 (c) that, if the Commission were to make an order requiring the  
 document or information to be so produced or provided -  
 (i) the order would not be complied with, or  
 (ii) the document or information would be removed, tampered with,  
 concealed or destroyed.  
 (3) A warrant under this section is a warrant authorising the member  
 of the Commission's staff who is named in it, to -  
 (a) enter and search the premises specified in it;  
 (b) take such other persons with him or her as the Commission  
 considers needed to assist him or her in doing anything that he or she  
 is authorised to do under the warrant;  
 (c) take possession of any documents which appear to fall within  
 subsection (2)(b) of this section, or to take any other steps which  
 appear to be necessary for preserving, or preventing interference with,  
 any such documents;  
 (d) take possession of any computer disk or other electronic storage  
 device which appears to contain -  
 (i) information falling within subsection (2)(b) of this section, or  
 (ii) information contained in a document so falling, or  
 to take other steps which appear to be necessary for preserving, or

preventing interference with any such information;

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

(f) require any person on the premises to provide an explanation of any such document or information or to state where any such document or information may be found;

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

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

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

(a) the warrant, and

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

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

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

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

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

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

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

(4) If required to do so, the Commission's staff shall give a copy of the record to the occupier of the premises or someone acting on the occupier's behalf.

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

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

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

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

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

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

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

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

(b) to any of the constitutionees of the Civil society to which it belonged or related.

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- (8) It is an offence for a person to intentionally obstruct the exercise of any rights conferred by a warrant under section 21 of this Bill.
- (9) A person guilty of an offence under subsection (8) of this section is liable on conviction to -
- (a) imprisonment for a term not exceeding twelve months, or
- (b) a fine not exceeding N400,000.00 (four hundred thousand naira only), or
- (c) both such fine and imprisonment.
23. Where an inquiry has been held by the Commission, the Commission may-
- (a) cause the report of the person conducting the inquiry, or such other statement of the results of the inquiry as the Commission thinks fit, to be printed and published, or
- (b) publish any such report or statement in some other way which is calculated in the Commission's opinion to bring it to the attention of persons who may wish to make representations to the Commission.
24. (1) The Commission may do anything which is calculated to facilitate or is conducive or incidental to the performance of any of its functions or general duties under this Bill.
- (2) Without prejudice to the power of the Commission to direct specified action to be taken or to direct application of a civil society property, nothing in this Bill authorises the Commission to -
- (a) exercise functions corresponding to those of a civil society constitutions in relation to a civil society, or
- (b) be directly involved in the administration of a civil society.
25. (1) The Commission may by regulations require the payment to the Commission of such fees as may be prescribed by the regulations in respect of-
- (a) the discharge by the Commission of such functions under the enactments relating to civil societies as may be so prescribed;
- (b) the inspection of the register of civil societies or of other material kept by the Commission under those enactments, or the provision of copies of or extracts from documents so kept.
- (2) Regulations under this section may-
- (a) confer, or provide for the conferring of, exemptions from liability to pay a prescribed fee; and
- (b) provide for the remission or refunding of a prescribed fee (in whole or in part) in circumstances prescribed by the regulations.
- (3) The Commission may impose charges of such amounts as it considers reasonable in respect of the supply of any publications produced by it.
- (4) Any fees and other payments received by the Commission by virtue of this section are to be paid into the Consolidated Revenue Fund of the Federation.

Publication of results of inquiries

Incidental powers

Fees and other amounts payable to Commission

#### PART V - STAFF OF THE COMMISSION

26. There shall be an Executive Secretary for the Commission who shall be -
- (a) a legal practitioner with no less than ten years call to bar experience;

The Executive Secretary of the Commission

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

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

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

Other employees.

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

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

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

Staff Regulations

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

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

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

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

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

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

Pensions Cap. P4 LFN 2010

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

#### PART VI - FUNDS OF THE COMMISSION

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30. The funds of the Commission shall consist of- Funds of the Commission
- (a) take-off grant from the Federal Government;
  - (b) annual subvention from the Federal Government as shall be provided for in the Appropriation Act;
  - (c) loans and grant-in-aid from Federal and State Governments and other bilateral and multilateral agencies; and
  - (d) any other sum that may accrue to the Commission from time to time.
31. The Commission may, from time to time, apply its funds - Application of the funds of the Commission
- (a) to defraying the cost of its administration;
  - (b) to paying the emoluments, allowances and benefits of members of the Council;
  - (c) to reimbursing members of the Council or of any committee setup by the Council for such expenses as may be expressly authorised by the Council;
  - (d) to paying the salaries, fees or other remunerations or allowances, gratuities, pensions and other benefits payable to the officers and other employees of the Commission, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Council) shall be made to any person who is in receipt of emoluments from the Federal or a State Government.
  - (e) for the development or maintenance of any property vested in or owned by the Commission; and
  - (f) for and in connection with all or any of its functions under this Bill.
32. (1) The Commission shall, not later than 30th August in each year, submit to the President, an estimate of its expenditure and income (including payments to the Commission) for the next succeeding year. Annual estimates and accounts
- (2) The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause the accounts to be audited within three months after the end of each year by auditors appointed from the list and in accordance with the guidelines issued by the Auditor-General for the Federation.
33. (1) The Auditor-General for the Federation shall- Audit
- (a) periodically audit the accounts and records of the financial transactions of the Commission;
  - (b) inspect records relating to assets of the Commission;

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

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

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

34. (1) The Commission shall prepare and submit to the National Assembly through the President, not later than six (6) months after the end of each financial year, a report of the activities of the Commission during the immediate preceding year. Annual reports.

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

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

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

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

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

37. The Commission may, subject to the provisions of this Bill and the conditions of any constitution created in respect of any property, invest all or any of its funds in any Government security or in such other security as may, from time to time, be approved by the Board. Investment. Cap. T22 LFN, 2010.

38. The Commission shall not be exempted from the payment of income tax on any income accruing from investments made by the Board or other monies made through investments. No exemption from payment of Income Tax

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

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**PART VII - LEGAL PROCEEDINGS**

40. Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against a member of the Council, an officer or employee of the Commission. Limitation of suit against the Commission, etc. Cap. P41 LFN 2010.
41. (1) No suit shall lie against the Commission for any act done unless it is filed within 12 months of the occurrence of any such act. Suit against the Commission
- (2) No suit is to be commenced against the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Commission by the intending Plaintiff or his agent and the notice shall clearly and explicitly state:
- (a) the cause of action;
  - (b) the name and place of abode of the intending plaintiff; and
  - (c) the relief claimed.
- (3) For the purpose of this Bill, "suit" means civil proceedings commenced by writ of summons or such other manner as may be prescribed by rules of Court and include an action but not criminal proceedings.
- (4) The notice referred to in sub-section (2) of this section and any summons, notices or other documents required or authorized to be served on the Commission in connection with a suit by or against the Commission may be served by:
- (a) delivering it to any of the principal officers of the Commission; or
  - (b) sending it by registered post addressed to the Chairman or the Executive Secretary at the headquarters of the Commission.
- (5) A person connected with the direct workings of the Commission shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in execution of a warrant or otherwise, while actually engaged in the performance of his duties until the person has been given an opportunity of providing a substitute by:
- (a) the head of the department in which he is employed; or
  - (b) the officer in immediate charge of the work in which the person is engaged.

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(6) In any suit pending before a Court, the Commission may be represented in Court at any stage of the proceedings by any staff of the Commission who shall satisfy the Court that he is duly authorized by the Commission in that behalf.

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

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

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

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

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

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

#### PART VIII- OFFENCES AND PENALTIES

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

(2) A person shall be deemed to run a civil society under this Bill if the person brings the existence of the civil society to the attention of any other person not involved in that civil society by whatever means of communication.

45. (1) A person shall be deemed to commit an offence under this Bill if he or she- Parties to the offence

(a) actually does the act which constitutes the offence; or

(b) does any act for the purpose of enabling or aiding another person to commit the offence; or

(c) aids another person in committing the offence; or

(d) counsels or procures any other person to commit the offence, in which case he or she may be charged with committing the offence or with counselling or procuring the commission of the offence.

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(2) Any person convicted of counselling or procuring the commission of an offence under this Bill shall be liable to the same punishment as is prescribed under this Bill for the commission of the offence.

(3) Any person who procures another to commit any act of such a nature that; if he or she had himself or herself committed the act, the act would have constituted an offence on his or her part under this Bill, shall be guilty of an offence of the same kind and liable to the same punishment as if he or she had committed the act, and he or she may be charged with committing the act.

46. When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of that purpose an offence under this Bill is committed, each of those persons shall be deemed to have committed the offence. Crimes committed in prosecution of common purpose
47. (1) When a person counsels another to commit an offence under this Bill, and an offence is actually committed after such counsel by the person to whom the counsel was given, it is immaterial that the offence-- Mode of execution of offence  
(a) actually committed is the same as the one counselled or a different one; or  
(b) is committed in the way counselled or in a different way.  
Provided that, in either case, the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.  
(2) A person who gives any counsel as specified in subsection (1) of this section shall be deemed to have counselled the other person to commit the offence actually committed by him or her.
48. Any person who assists another who has, to his knowledge, committed an offence under this Bill, in order to enable him to escape punishment shall be deemed to be an accessory after the fact to the offence. Accessories after the fact
49. Any person found guilty of an offence under sections 44 to 48 of this Bill shall on conviction be sentenced to - Penalties, etc.  
(a) imprisonment for a term not exceeding twenty-four months, or  
(b) a fine not exceeding N500,000.00 (five hundred thousand naira only), or  
(c) both such fine and imprisonment.
50. Where an offence under this Bill has been committed by a body corporate and it is proved that it was committed with the consent or connivance of or is attributable to any neglect on the part of - Offence by body corporate  
(a) a director, manager, secretary or other similar officer of the body corporate; or  
(b) any other person purporting to act in the capacity of a director, manager, secretary or other similar officer,  
be or she, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

#### PART IX - MISCELLANEOUS PROVISIONS

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

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

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

#### *Committees*

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

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

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

#### *Miscellaneous*

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

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

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

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

- (a) any vacancy in the membership of the Commission or its committees; or
- (b) reason that a person not entitled to do so took part in the proceedings; or
- (c) any defect in the appointment of a member.

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

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

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

**EXPLANATORY MEMORANDUM**

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