A BILL

FOR

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

Sponsored by Hon. Abbas Tajudeen

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

PART I - ESTABLISHMENT OF THE CIVIL SOCIETIES REGULATORY COMMISSION

1.-(1) There is established a Commission to be known as the Civil Societies 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 immovable 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.

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

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

(i) the National Planning Commission,

(ii) Federal Ministry of Women Affairs,

(iii) Federal Ministry of Justice,

(iv) Federal Ministry of Education,

(v) Federal Ministry of Health,

(vi) the 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-

(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;

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

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

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:

(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
(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 competent authority made
in respect of that member.

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

(3) 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.

(4) 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.
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.

6.-(1) The Council shall have power to-
(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.

PART II - OBJECTIVES, FUNCTIONS AND DUTIES OF THE COMMISSION

7. The objectives of the Commission shall be to-
(a) increase public trust and confidence in civil societies;
(b) promote awareness and understanding of the operation of public benefit requirement of civil societies;
(c) promote compliance by civil society trustees with their legal obligations in exercising control and management of the administration of their Civil societies;
(d) promote effective use of civil society resources; and
(e) enhance accountability by civil societies to donors, beneficiaries and the general public.
8. The Commission shall have the following general functions—
(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;
(d) 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;
(e) determining whether public collections certificates should be
issued to any civil society, and remain in force, in respect of public
charitable collections;
(f) maintaining an accurate and up-to-date register of civil
societies;
(g) obtaining, evaluating and disseminating information in
connection with the performance of any of the Commission's functions or
meeting any of its objectives;
(h) 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
(i) complying, so far as is reasonably practicable, with any request
made by appropriate organisations for information or advice on any matter
relating to any function of the Commission.
9. The Commission shall have the following general duties-

(1) The Commission shall, so far as is reasonably practicable, 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.

(2) In performing its functions the Commission shall-

(a) have regard to the need to use its resources in the most efficient, effective and economic way;

(b) so far as relevant, have regard to the principles of best regulatory practices, including the principles under which regulatory activities should be proportionate, accountable, consistent, transparent and targeted only at cases in which action is needed;

(c) in appropriate cases, have regard to the desirability of facilitating innovation by or on behalf of civil societies.

(3) In managing its affairs, the Commission shall have regard to such generally accepted principles of good corporate governance as is reasonably applicable to it.

PART III - REGISTRATION AND NAMES OF CIVIL SOCIETIES

10.(1) There shall be a register of civil societies, to be kept by the Commission in such manner as it thinks fit.

(2) The register shall contain-

(a) the name of every civil society registered in accordance with this Bill, and

(b) such other particulars of, and such other information relating to, every such civil society as the Commission thinks fit.

(3)(a) The Commission shall make regulations for the registration of
civil societies in the Commission;

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

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

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

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

(2) The required documents and information are-

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

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

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

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

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

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

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

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

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

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

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

(2) If the name of any civil society is changed by virtue of section 16 of
this Bill, the civil society trustees 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.

(2) Any legal proceedings that might have been commenced or
continued by or against it in its former name may be commenced or continued
by or against it in its new name.
19.-(1) The Commission may from time to time institute inquiries with regard to-
(a) civil societies generally,
(b) class of civil societies, or
(c) a particular Civil society;
either for general or particular purposes.

(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 appointed by the Commission to conduct it, may direct any person-
(a) if a matter in question at the inquiry is one on which the person has or can reasonably obtain information-
(i) to provide accounts and statements in writing with respect to the matter, or to return answers in writing to 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 necessary expenses to any person attending to give evidence or produce documents for the purpose of an inquiry.

21.-(1) On application from the Commission, a magistrate may issue a warrant under this section if satisfied, on information given on oath by a member of the Commission’s staff, that there are reasonable grounds for believing that each of the conditions in subsection (2) of this 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;
(e) take other steps which appear to be necessary for preserving, or
preventing interference with any such information;
(f) take copies of, or extracts from, any document or information
falling within paragraph (c) or (d) of this subsection;
(g) 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; and
(h) 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.

(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 trustees of the civil society to which it belonged or related.

(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 N300,000.00 (three 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) In accordance with the provisions of this Bill, 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 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
trustee 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 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 prescribe 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.

**PART V - STAFF OF THE COMMISSION**

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

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

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

(c) 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-

(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.

(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.

(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**

30. The funds of the Commission shall consist of-

(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-

(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.

(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-

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

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

(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.

(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.

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.

(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 trust 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.

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.

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

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.

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.

(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.

(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.

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

(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.

(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 or communication.

45.—(1) A person shall be deemed to commit an offence under this Bill
if he or she—
(a) actually does the act which constitutes the offence;
(b) does any act for the purpose of enabling or aiding another person
to commit the offence;
(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.
(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 offence under this Bill is committed, each of those persons shall be
deemed to have committed the offence.

47.—(1) When a person counsels another to commit an offence under
this Bill, and offence is actually committed after such counsel by the person to
whom the count was given, it is immaterial that the 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 a probable consequence of carrying out the counsel, 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.

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

(a) imprisonment for a term not exceeding twenty-four months,
(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-

(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, he 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.

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

53. In this Bill, unless the context otherwise requires-
"Civil Societies" include non-governmental organisations and charity organisations be whatever name called;

"Commission" means the Civil Societies Regulatory Commission established by this Bill;

"Council" means the Governing Council of the Commission;

"Member" means a member of the Council and includes the Chairman and the Executive Secretary;

"Minister" means the Minister in charge of National Planning; and

"President" means the President of the Federal Republic of Nigeria.

54. This Bill may be cited as the Civil Societies Regulatory Commission (Establishment) Bill, 2020.

SCHEDULE

Section 6(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION!

Proceedings of the Board

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

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

(2) Every meeting of the Council shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the
members present at the meeting shall elect one of their members to preside at
the meeting.

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

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

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

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;
(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
(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.