

A BILL

FOR

AN ACT TO REGULATE THE ACCEPTANCE AND UTILIZATION OF FINANCIAL/MATERIAL CONTRIBUTION OF DONOR AGENCIES TO VOLUNTARY ORGANISATIONS AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Hon. Eddie Ifeanyiichukwu Mbadiwe

[] Commencement

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

1 1. The Independent Corrupt Practices and other Related Offences
2 Commission shall be the regulatory authority for the purpose of
3 implementing this Bill.

Regulatory Authority

4 2. -(a) No voluntary organization shall accept any foreign
5 Financial/Material contribution except with the Permission of the
6 Independent Corrupt Practices and other Related Offences Commission;

Voluntary Organisations not to accept contribution without permission

7 (b) Except such gifts is reported to Independent Corrupt Practices
8 and other Related Offences Commission, no person resident in Nigeria shall
9 accept any foreign financial contribution on behalf of any voluntary
10 organizations referred in sub-section (1) of this section.

11 3. -(1) All voluntary organizations having a defined cultural,
12 economic, educational, religious or social programmes cannot accept
13 financial contribution from donor agencies.

Voluntary Organisations to give information to Regulatory Authority

14 (2) Unless such voluntary organization:

15 (i) Registers with the Independent Corrupt Practices and other
16 Related Offences Commission in accordance with the rules made under this
17 Bill;

18 (ii) Agrees to receive such contribution only through one of the
19 branches of a Nigerian bank as it may specify in its application for such

In the House:

Notes the activities of the Federal Ministry of Aviation with respect to granting landing rights to foreign airlines to operate in Mallam Aminu Kano and Nnamdi Azikiwe International Airport;

Aware that early this year, the Federal Ministry of Aviation blocked three Foreign Airlines — Emirates, Turkish and Etihad from extending their commercial flights to Abuja and Kano respectively;

1 registration;

2 (iii) All voluntary organizations so registered with the Corporate
3 Affairs Commission shall give within such time and in such manner as may be
4 prescribed, information to the Independent Corrupt Practices and other Related
5 Offences Commission as to the amount of such financial contribution received,
6 the source, amount, purpose and the manner in which such contribution will be
7 utilized by it.

Application to
be made in
prescribed form
for permission
to accept

8 4. -(1) All voluntary organizations shall make an application for
9 permission to the Independent Corrupt Practices and other Related Offences
10 Commission in such form and in such manner as may be prescribed;

11 (2) Approval to application referred to in subsection (1) shall be
12 disposed of within sixty days from the date of receipt of such application.

Powers of the
Regulatory
Authority

13 5. -(1) The regulatory authority shall in addition to its duty and powers
14 prescribed in section 5 and 6 of its principal Act exercise the following powers:

15 (a) May prohibit any voluntary organizations from accepting any
16 financial foreign contribution if it considers such contribution as likely to
17 affect:

18 (i) The sovereignty and integrity of Nigeria;

19 (ii) Adverse diplomatic relation of any foreign country;

20 (iii) Religious harmony in Nigeria;

21 (iv) A likely source of money laundering.

22 (2) Where the Independent Corrupt Practices and other Related
23 offences Commission after making such inquiry and is satisfied that any
24 voluntary organization has in its custody currency, whether Nigerian or
25 foreign, which has been accepted by such voluntary organization in
26 contravention of any of the provisions of this bill, it may by order obtained
27 from court prohibit such voluntary organization from withdrawing,
28 transferring or otherwise dealing with such money in any form.

Special power
of the Regulatory
Authority

29 6. The regulatory authority shall invoke relevant sections of its
30 Principal Act in order to give effect to the full implementation of this bill

1 7. All voluntary organizations shall maintain in such form and in
2 such manner as may be prescribed:

Recipients to
maintain an
Account

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3 (a) An account of any foreign contributions received by it, and an
4 Account;

5 (b) A record as to the manner in which such financial Contribution
6 has been utilized and the yearly balance sheet submitted to ICPC.

7 8. If the Independent Corrupt Practices and other Related Offences
8 Commission has for any reason to suspect that any provision of this bill has
9 been or is being violated by voluntary organizations, it may through its
10 designated officers inspect any account or records maintained by such
11 voluntary organizations and thereupon any such authorized officer shall
12 have the right to enter with a warrant upon any premises at any reasonable
13 hour for the purpose of inspecting the said account or record.

Inspection of
account or
records

14 9. If after the inspection of an account or record referred to in
15 section 8, the authorized officer has any reasonable cause to believe that any
16 provision of this bill or of any other law has been or is being contravened, he
17 may seize such account or record and produce same before the court in
18 which any proceeding is brought for such contravention, provided that the
19 authorized officer shall return such account or record to the voluntary
20 organization from whom it was seized if no proceeding is brought within
21 four months from the date of such seizure.

Seizure of
Accounts or
records

ber,

22 10. Every seizure made under this bill shall be made in accordance
23 with the provision of S. 38 of Independent Corrupt Practices and other
24 Related Offences Commission Act 2000.

Seizure to be
made in accordance
with the regulatory
authority Act

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25 11. Whoever accepts or assists any person, voluntary organization
26 in accepting any foreign financial contribution in contravention of any
27 provision of this bill or any rule made thereunder shall be punished with
28 imprisonment for a term of two years.

Offences

29 12. -(1) Where an offence under this bill or any rule made there
30 under has been committed by voluntary organization, every person who, at

Offences by
Voluntary
Organisations

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Aminu
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1 the time the offence was committed, was in charge of and was responsible to,
 2 the voluntary organization for the conduct of the Organizations business of the
 3 voluntary organization shall be deemed to be guilty of the offence and shall be
 4 liable to be proceeded against and punished accordingly.

5 (2) Notwithstanding anything contained in sub-section (1) where an
 6 offence under this bill or any rule made thereunder has been Committed by
 7 voluntary organization and it is proved that the offence has been committed
 8 with the consent or connivance of, or is attributable to any director, manager,
 9 secretary or other officer shall be deemed to be guilty of that offence and shall
 10 be liable to be proceeded against and punished accordingly.

Provisions of
 this Bill not to
 apply to
 government
 transactions

11 13. The provisions of this bill shall not apply to any transaction
 12 between the government of Nigeria and the government of any foreign country.

Interpretation

13 14. In this Bill, unless the context otherwise required:
 14 "Voluntary" means an association of individuals whether Incorporated or not,
 15 its include any other organization by what ever name called;
 16 "Foreign Financial Contribution" means any financial donations or Transfer
 17 made by any foreign source;
 18 "Government" includes the Government of the Federation or of any State, or of
 19 a local Government Council.

Citation

20 15. This Bill may be cited as foreign contribution (Regulation) Bill
 21 2013.

EXPLANATORY MEMORANDUM

This Bill seeks to make Independent Corrupt Practices and Other Related
 Offences Commission the regulatory authority of all Voluntary organization to
 monitor the utilization of all monies received from donor agencies for the
 purpose of engendering Transparency, Integrity and Accountability in our
 national life.