

# 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 Ifeanyichukwu 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 Voluntary  
Organisations not  
to accept contribution  
without permission  
6 Independent Corrupt Practices and other Related Offences Commission;
- 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, Voluntary  
Organisations to  
give information  
to Regulatory  
Authority  
12 economic, educational, religious or social programmes cannot accept  
13 financial contribution from donor agencies.
- 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

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	Recipients to maintain an Account
2	such manner as may be prescribed:	
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	Inspection of account or records
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.	
14	9. If after the inspection of an account or record referred to in	Seizure of Accounts or records
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.	
22	10. Every seizure made under this bill shall be made in accordance	Seizure to be made in accordance with the regulatory authority Act
23	with the provision of S. 38 of Independent Corrupt Practices and other	
24	Related Offences Commission Act 2000.	
25	11. Whoever accepts or assists any person, voluntary organization	Offences
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.	
29	12. -(1) Where an offence under this bill or any rule made there	Offences by Voluntary Organisations
30	under has been committed by voluntary organization, every person who, at	

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.