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**FEDERAL INLAND REVENUE SERVICE
(ESTABLISHMENT) ACT, 2007**

**REQUIREMENTS FOR FUNDS, BODIES OR INSTITUTIONS
(UNDER THE 5TH SCHEDULE TO THE
COMPANIES INCOME TAX ACT) REGULATIONS, 2011**



ARRANGEMENT OF REGULATIONS

Regulations :

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1. Objective.

PART II—QUALIFICATION REQUIREMENTS

2. General Requirements.
3. Specific Requirements.
4. Federal Inland Revenue Service Board Certification.

PART III—APPLICATION FOR CERTIFICATE

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8. Filing of Annual Returns and Review of Status.

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SCHEDULE 1

Checklist for Application for Certificate by Funds, Bodies or Institutions.

SCHEDULE 2

Generic Classification of Funds, Bodies or Institutions.

(2) The Board shall review all applications and approve only those that fall within the generic classification contained in Schedule 2 to these Regulations for approval.

(3) A successful application shall be approved by the Board and communicated to the Minister.

PART IV—REVIEW OF CERTIFIED FUNDS, BODIES AND INSTITUTIONS

Validity of Certificate.

7.—(1) A Certificate shall be valid for three years in the first instance subject to renewal every three years upon satisfactory performance and compliance with relevant laws, rules and regulations.

(2) A Fund, Body or Institution issued with a Certificate under these Regulations shall submit a compliance report on an annual basis which shall include the activities of the Fund, Body or Institution, its statement of affairs, auditors report and any other matter the Board may consider necessary, from time to time.

Filing of Annual Returns and Review of Status.

8.—(1) A Fund, Body or Institution issued with a Certificate under these Regulations must file annual returns in compliance with relevant tax laws.

(2) The Board shall review the status of a Fund, Body or Institution to ensure that only those that remain in compliance with the requirements of the Act and these Regulations receive tax deductible donations.

PART V—MISCELLANEOUS

Interpretations.

9. In these Regulations :

“Act” means the Companies Income Tax Act, CAP. C21 LFN 2004 as amended by the Companies Income Tax (Amendment) Act, 2007 ;

“Body or Institution of a public character” means a body or institution whose activities are meant to benefit Nigerians in general and particularly the public and its profits are not available for distribution to its promoters ;

“Certificate” means a Certificate issued by the Federal Inland Revenue Service Board to a Fund, Body or Institution as qualification for receiving deductible donations ;

“Fund, Body or Institution” means any association of persons, whether incorporated or not, whose activities are meant to benefit Nigerians in general or particularly the public and its profits are not available for distribution to the promoters ;

“Minister” means the Minister of Finance ;

“Public Funds, Bodies or Institutions” means a Fund established by government or its Agencies for the purpose of advancing the interests and welfare of the people ; and

“Statutory Body” means bodies established by law.

SCHEDULE 1

CHECKLIST FOR APPLICATION FOR CERTIFICATE

Name of Organisation/Company/Nature of Institution Applying :

.....

S/No.	<i>Checklist</i>	Yes	No
1.	A certified true copy of the Certificate of Registration of the Company or Organisation submitted.		
2.	Application clearly states what it is applying for and cite relevant law under which it is made.		
3.	Indicate whether or not it has commenced operation.		
4.	Organisation to present its Constitution, Memorandum and Articles of Association, as the case may be, showing the objectives, membership, rules and regulations, source(s) of funds, location and operation, Member of the Board of Trustees should have national outlook and reflect Federal character.		
5.	Application indicates the Names, Addresses and Telephone numbers of the members of the Board of Trustee/Directors of the company/association.		
6.	Application is accompanied with evidence of payment of Personal Income Tax with respect to the Trustees/ Directors for the immediate preceding three years of the application.		
7.	Submit Tax Identification Number (TIN) for tax purposes { for PAYE if the employees are up to five (5) } and VAT.		
8.	Submit Tax Identification Number (TIN) with respect to Members of the Board of Directors/Trustees.		
9.	A statement of the nature of operation of the company/ association and location.		
10.	A statement of its registered address and principal place of business		
11.	Financial Statements from inception of operation.		
12.	Details of previous activities before current registration and affiliated companies, if any.		
13.	Indication as to whether or not the applicant has commenced operation, etc.		
14.	Record of performance in corporate social responsibility of the organization in relation to their normal businesses should be confirmed.		

SCHEDULE 2

GENERIC CLASSIFICATION OF FUNDS, BODIES OR INSTITUTIONS
ELIGIBLE FOR DEDUCTIBLE DONATIONS UNDER THE FIFTH
SCHEDULE TO THE COMPANIES INCOME TAX ACT

A Fund, Body or Institution which satisfies any of the under listed criteria as provided in the Amendment of the Fifth Schedule to the Companies Income Tax Act, Order No. 1 of 2011 is eligible to receive tax deductible donations from companies—

1. A public institution established and maintained by a society or association for the promotion or defence of human rights, women empowerment and development or for re-orientation/rehabilitation/welfare support service for orphans, widows, physically challenged, refugees and all the categories of persons that may require social or economic rehabilitation and transformation or for youth empowerment and development which is carried on other than for the purpose of profits or gains to the individual members of the society or association or person.

2. A public institution established and maintained by a society or association for Leadership and Resource Development or for the Promotion of National Unity and Patriotism or for the Promotion of Social and Economic Development which is carried on other than for the purpose of profits or gains to the individual members of the institution, society, association or person.

3. A public institution or public fund established and maintained by a society or association for accident prevention and control activities or for information system development and awareness which is carried on other than for the purpose of profits or gains to the individual members of the institution, society, association or person.

4. A public institution established and maintained by a society or association for creation of awareness for transparency in governance and electoral processes or for the promotion of national unity and patriotism which is carried on other than for the purpose of profits or gains to the individual members of the society, association or person.

5. Any public institution or public fund established and maintained by a society or association for museum development and promotion of sports, arts and culture which is carried on otherwise than for the purpose of profits or gains to the individual members of the society, association or person.

6. Any public institution or public fund established and maintained by a society or association for rendering assistance in the provision of safe water, electricity, infrastructure and agricultural development which is carried on other than for the purpose of profits or gains to the individual members of the society, association or person.

7. Any professional body established under an Act of the National Assembly for the regulation and practice of the profession.

MADE by the Board of the Federal Inland Revenue Service at Abuja this 12th day of December. 2011.

IFUEKO OMOIGUI OKAURU, MFR
Executive Chairman