A BILL
FOR
AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF NATIONAL SOCIAL INVESTMENT PROGRAMMES FOR THE ASSISTANCE AND EMPOWERMENT OF POOR AND VULNERABLE IN NIGERIA; AND TO ESTABLISH THE NATIONAL SOCIAL INVESTMENT PROGRAMMES COORDINATING OFFICE WITHIN THE FEDERAL MINISTRY RESPONSIBLE FOR SOCIAL DEVELOPMENT TO MANAGE THE IMPLEMENTATION OF THE PROGRAMMES AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabiamila, Hon. Ahmed Idris

Co-Sponsors:

Hon. Alhassan Ado Garba          Hon. Peter O. Akpatason
Hon. Mohammed T. Monguno          Hon. Nkeiruka Onyejeocha
Hon. Ndudi Godwin Elumelu         Hon. Gwani Gideon Lucas
Hon. Toby Okechukwu               Hon. Abdel-majid A. Adekoya
Hon. Mansur Manu Soro

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

PART 1- OBJECTIVES

1. The general objectives of this Act are to provide an institutional framework for the management of the National Social Investment Programmes and to establish an Office with the responsibility to manage and coordinate implementation of the social investment programmes of the Federal Government through:

   (i) research and insight generation, conceptualising, incubating, and implementing development programmes,

   (ii) programme coordination, management support and monitoring and evaluation,

   (iii) standards setting, promoting best practices, and thought leadership integration,

   (iv) conducting needs assessment, identifying beneficiaries, and conducting outreach programmes,

   (v) partnership outreach, management of stakeholders and special interest groups,
(vi) capability development, resource, and funding mobilisation,
(vii) advocacy for and promotion of awareness of social protection
and development programmes in Nigeria and promote synergy and
coordination among all social protection intervention agencies.

PART II - ESTABLISHMENT OF THE NATIONAL SOCIAL INVESTMENT
PROGRAMMES COORDINATING OFFICE

2. There is hereby established, the National Social Investment
Programmes Coordinating Office (hereinafter in this Act referred to as the Office).

3. The Office shall:

(a) establish, maintain and facilitate the use of the National Social
Register;

(b) implement all policies, projects, programmes, plans and
international commitments relating to poverty reduction and human capital
development as may be approved by the Council;

(c) coordinate, monitor and advice on social protection activities of
the Federal Government;

(d) assist in formulating and reviewing policies on poverty reduction
and human capital development;

(e) provide technical expertise to all levels of Government on poverty
reduction and human capital development policy planning and
implementation;

(f) evaluate and advise the Council on the availability or otherwise of
critical social amenities having direct impact on the poor and vulnerable
throughout the Federation;

(g) maintain a relationship with international development partners
and coordinate the involvement of national and international non-
governmental organisations in social programmes in Nigeria in accordance
with national strategy and objectives;

(h) formulate and strategize on intervention programmes and projects
based on need with a view to complement the efforts of the implementing
Ministries, Departments and Agencies;

(i) work with the media on advocacy and mobilization activities;

(j) conduct overall monitoring, evaluation and review of social
programmes implementation;

(k) promote effective inter-governmental collaboration in social
and human capital development programmes implementation;

(l) share national poverty maps to guide State Governments in the
selection of the poorest Local Governments;

(m) set standards for practitioners in the social development sector
in Nigeria;

(n) interface with State Focal Persons; and

(o) perform such other functions as may be related or incidental to
the performance of the functions specified in this section.

4.- (1) There is established a Council to be known as the National
Social Investment Council (hereinafter in this Act referred to as "the
Council").

(2) The Council shall consist of:

(a) a Chairman who shall be the Minister responsible for social
development;

(b) representatives of each of the following Ministries, not below
the rank of Director:

(i) Budget and National Planning,

(ii) Finance,

(iii) Labour,

(iv) Interior,

(v) Education,

(vi) Health,

(vii) Justice,

(viii) Women Affairs, and
(ix) Youth and Sports.
(c) A representative each of:

(i) Nigeria Governors Forum,
(ii) Association of Local Governments of Nigeria,
(iii) Civil Society Organisations, and
(iv) Organised Private Sector.
(d) The National Programmes Coordinator who shall be the Secretary
to the Council.

(3) Members of the Council other than ex-officio shall be appointed
by the President on the recommendation of the Minister.
(4) The supplementary provisions set out in the first schedule to this
Act shall apply to the proceedings of the Council.

5.- (1) The members of the Council who are not ex-officio members
shall hold office:

(a) For a term of four years in the first instance and may be
reappointed 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) Notwithstanding the provisions of subsection (1) of this section, a
member of the Council, may at any time be removed from office by the
President for inability to discharge the duties of his office, whether arising from
infirmity of mind, or body, or misconduct or in the public interest.

6. Members of the Council shall be entitled to such sitting allowances,
expenses and such other appropriate entitlements as may be approved by the
Salaries and Wages Commission.

7.- (1) The office of the chairman or member of the council becomes
vacant where-

(a) his term of office expires;
(b) he resigns by notice in writing to the president;
(c) he dies;
(d) he becomes of unsound mind or incapable of carrying out his duties due to physical or mental illness;

(e) he has been declared bankrupt;

(f) he has been convicted of a felony or any offence involving dishonesty;

(g) he is guilty of gross misconduct relating to his duties;

(h) the President directs his removal in the public interest or upon being satisfied that it is not in the interest of the council for the person to continue in office; and

(i) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the council.

(2) Where a vacancy occurs in the membership of the Council before the expiration of the term of a member, a fit and proper person shall be appointed for the remainder of the term to represent the same interest as the predecessor.

8. The Council shall have the powers to:

(a) supervise the functions of the affairs of the Office;

(b) formulate the overall policy of the Office and act in the name of the Office;

(c) ensure that the social investment and protection programmes and projects as budgeted for and implemented by other Ministries, Departments and Agencies of the Federal Government are coordinated by the Office;

(d) review all social and human capital development programmes across the Federation;

(e) relate with international development organisations and other major stakeholders in order to facilitate and deepens partnership between such organisations and stakeholders on the one hand and the Office on the other;

(f) undertake periodic assessment of programme implementation
and prepare reports accordingly for submission to the Federal Executive Council;

(g) appoint consultants to conduct periodic assessment of programme implementation by the Office and prepare reports for consideration by the Council;

(h) set periodic attainable targets for implementation of social programmes in collaboration with other implementing agencies of the Federal Government;

(i) set up sub-committees as may be necessary to undertake special assignments; and

(j) do such other things and carry out such other functions as may be necessary for the achievement of its functions and the objectives stated in this Act.

9. The Council shall perform the following functions:

(a) present timely annual report to the President and the National Assembly on the status of social protection programmes policy implementation in the country;

(b) ensure periodic review of the National Social Protection Policy;

(c) develop regulations on accountability measures and mechanisms;

(d) ensure that sector actors prioritize social and human capital development programmes in the annual budgets;

(e) ensure equitable distribution of resources to vulnerable populations;

(f) conduct overall monitoring, evaluation and review of the programmes implemented by the Office;

(g) promote effective inter-governmental collaboration in social protection programmes implementation;

(h) initiate and oversee studies, assessments and evaluations to gather data;

(i) approve the redeployment of staff of the Office;
(j) receive and consider, for approval, the audited accounts of the Office;

(k) consider and approve the plans and activities of the Office;

(l) approve the social protection programmes to be implemented by the Office to address existing gaps in the social development sector and commission any research to be undertaken in order to strengthen existing programmes or establish new ones; and

(m) give such other directives and perform such other functions as may be necessary to achieve the objectives of this Act.

PART III - MANAGEMENT AND STAFF OF THE OFFICE

10. There shall be appointed by the Minister—

(1) a National Coordinator of Programmes (in this Act referred to as the "National Programmes Coordinator") who shall be in charge of the Office.

(2) The National Programmes Coordinator shall—

(a) have such qualifications and experience as appropriate for a person required to perform the functions of the Office under the Act;

(b) be responsible for the day to day management of the Office;

(c) hold office for a term of four years and be eligible for reappointment for another term of four years and no more, on such terms and conditions as may be specified in his letter of appointment; and

(d) be paid such remuneration as may be determined by the Council after consultation with the Salaries and Wages Commission.

(3) Without prejudice to the provisions of this Act, the National Programmes Coordinator may be removed from office for inability to discharge the functions of his office, whether arising from infirmity of body or mind, or for misconduct.

11. The Council may as it considers necessary—

(1) appoint or transfer on secondment from any public service of the Federation, such number of employees as may be required to assist the
Office in the discharge of any of its functions under this Act.

(2) The employment of staff of the Office shall be on such terms and conditions as may be determined by the Council in accordance with the Public Service Rules.

12. The structure of the Office shall comprise of-
(a) The office of the National Programmes Coordinator;
(b) Directorates may be approved by the Council for the proper operations of the Office; and
(c) Programme clusters to be headed by Programme Managers.

PART IV - SOCIAL INVESTMENT

13.-(1) There is established under this Act the following social investment programmes-
(a) National Cash Transfer Programme;
(b) National Home Grown School feeding Programme;
(c) N-Power Programme;
(d) Government Enterprise and Empowerment Programme; and
(e) Such other social investment programmes as may be approved by the President.

(2) Each programme shall have a National Programme Manager.

14.-(1) Beneficiaries of social investment programmes under this Act shall include-
(a) Unemployed persons;
(b) Vulnerable orphans and children;
(c) Persons with disabilities;
(d) Vulnerable Older persons; and
(e) Such category of persons as the Minister may, with the approval of the President, determine from time to time by an order published in the Official Gazette.

(2) The Office shall through the social investment programmes,
provide benefits to the categories of persons referred to in subsection (1) of this section.

15.(1) Enrolment in a social investment programme shall be made in such form and manner as the Council may determine.

(2) The Office may investigate to verify the eligibility of an applicant.

(3) Where in the opinion of the Office, an applicant does not qualify for social investment benefits under this Act, the Office shall inform the applicant accordingly and provide the reasons thereof.

16.(1) A State Government participating in the social investment programmes under this Act shall-

(a) appoint a focal person (in this Act referred to as the "State Focal Person"), who shall be a member of the State Executive Council of the rank of Commissioner or Special Adviser;

(b) provide office space, equipment and facilities for the smooth running of the programmes;

(c) make adequate provision for financial participation in the programmes in its budget;

(d) establish and manage the State Social Register;

(e) share State Social Register with the Office; and

(f) enter into a Programme Implementation Agreement with the Office.

(2) The State Focal Person shall be responsible for-

(a) acting as a liaison between the State Government and the Office;

(b) coordinating the State Government's responsiveness to its obligations under the Programme Implementation Agreement; and

(c) ensuring the State Government's compliance with its obligations under this Act.
17.- (1) The Office may cancel a beneficiary's social investment benefits if it is determined that such benefit has been obtained through misrepresentation, deceit, fraud, or failure to disclose any material information.

(2) Any social investment benefits obtained through misrepresentation, deceit, fraud, or failure to disclose any material information shall be refunded to the Government by the person or from his estate if he is deceased.

(3) The Office may terminate the payment of social investment benefits to a beneficiary who is absent from Nigeria for a continuous period of six months.

(4) The provision or payment of any social investment benefits to a beneficiary shall lapse when the person dies.

PART V - FINANCIAL PROVISIONS

18.- (1) The Office shall establish and maintain a Fund (in this Act referred to as "the Fund") from which shall be defrayed all expenditures incurred by the Office for the purpose of this Act.

(2) There shall be credited to the Fund-

(a) such sums as may be appropriated to the Office by the National Assembly;

(b) such other sums as may be provided by the Federal Government of Nigeria or by a State Government to support the activities of the Office; and

(c) such sums accruing to the Office by way of gifts, endowments, donations, bequests or voluntary contributions by persons or organisations;

19. The Council, may with the consent of the Minister, borrow on such terms and conditions as the Council may determine, such sums of money as the Council may be require for the exercise of the functions conferred on it under the Act.

20.- (1) The Office may accept gifts of movable or immovable
property from individuals or organisations in accordance with the mandate of the Office.

(2) The Office shall not accept any gifts if the conditions of the offer are inconsistent with the functions and mandate of the Office.

21.-(1) The Office, may subject to the provisions of this Act and the conditions of any Trust created in respect of any property, invest any of its funds in any security as may be approved by the Council.

(2) The Office is exempt from payment of income tax on any incomes accruing to it under this Act or from any investment.

22. The Office shall cause to be prepared and submitted to the Council, not later than 30th August each year, an estimate of the expenditure and income of the Office for the following year.

23.- (1) The Council shall cause to be kept, proper accounts and records in relation thereto and when certified by the Council, such accounts shall be audited as provided in subsection (2) of this section.

(2) The accounts of the Office shall be audited within three months after the end of each year by auditors appointed by the Council from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the federation.

(3) The fees of the auditors and the general expenses of the audit shall be paid from the funds of the Office.

24.-(1) The Council shall cause to be prepared on a semi-annual basis, a report in such form as shall accurately capture all the activities of the Office during the preceding months and shall include community impact assessment and performance analysis of the programmes implemented by the Office.

(2) The Council shall appoint an external consultant who shall be responsible for conducting all research and data gathering, on the spot assessment, and any other lawful activities as may be required to support the
preparation of an independent report on programme implementation by the
Office.

(3) The fees of the consultants and the general expenses incurred in
the preparation of the reports shall be paid from the Fund of the Office.

PART VI - LEGAL PROCEEDINGS AGAINST THE OFFICE

25.—(1) No suit against the Office, a member of the Council or any
employee of the Office for any lawful act done in pursuance or execution of the
functions conferred upon the Office by this Act shall lie or be instituted in any
court unless it is commenced within three months next of the act, neglect or
default complained of, or in the case of a continuance of damage or injury,
within three months after the cessation thereof.

(2) No suit shall commence against the Office before the expiration of
a period of one month after written notice of intention to commence the suit
shall have been served upon the Office by the party intending to sue the Office
or by his lawyer.

(3) Any such notice of intention to sue shall clearly and explicitly
state:

(a) the cause of action;

(b) the particulars of the claim;

(c) the name and address of the party intending to sue; and

(d) the relief which he claims.

26. The notice referred to in section 25 of this Act and any other
notice, summons, process or other document required or authorised to be
served on the Office under the provisions of this Act or under any other law,
shall be served by delivering the same to the registered address of the Office.

27.—(1) In any action or suit against the Office, no execution or
attachment or process in the nature thereof shall issue against the Office
without the consent of the Attorney General of the Federation.

(2) Any sums of money which by judgment of court is awarded
against the Office shall be paid from the general reserve fund of the Office, then
provision shall be made in the budget to accommodate these expenditures to avoid virement.

**PART VII - MISCELLANEOUS**

28. Any person who knowingly-

(a) makes a false of misleading statement in any application under this Act,

(b) being gainfully employed, makes an application for enrolment in a programme,

Commits an offence and is liable on conviction to a fine not exceeding One Hundred Thousand Naira, or imprisonment for a term of not less than six months or both.

29.-(1) The Council may make regulations and issue guidelines generally for the purposes of giving effect to the provisions of this Act.

(2) Without derogation from the generality of subsection (1) of this section, regulations and guidelines made pursuant to this section may provide for the following-

(a) Procedures for determining eligibility for social investment benefits under the programmes of the Office; and

(b) Implementation of the programmes of the Office;

30. For the purpose of providing office premises for the performance of the functions of the Office, the Office may subject to the provisions of the Land Use Act-

(a) Purchase or take in lease, any land building or property;

(b) Build equip and maintain offices and premises; or

(e) Let, lease or sell out any offices or premises held by it which it no longer requires for the performance of its functions under this Act.

31. In this Act-

"Beneficiary" means a person who receives social investment benefits under any programme of the Office;

"Council" means the National Social Investment Council;
"Programmes" means Social Investment Programmes established under this Act;

"Member" means a member of the National Social Investment Council;

"Minister" means the Minister charged with responsibility for Social Development;

"Ministry" means the Ministry charged with responsibility for Social Development;

"Attorney General" means the Attorney General and Minister of Justice of the Federation;

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


"Federation" means the Federal Republic of Nigeria

"Federal Government" means Government of the Federal Republic of Nigeria

32. This Bill may be cited as the National Social Investment Programmes (Establishment) Bill, 2020.

EXPLANATORY NOTE

This Bill seeks to establish the National Social Investment Programmes Coordinating Office to manage the implementation of National Social Investment Programmes aimed at alleviating poverty and improving human development indices, and for the overall social development of Nigeria.