

FEDERAL ORPHANAGE REGULATORY AGENCY BILL, 2021

ARRANGEMENT OF CLAUSES

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REGULATORY AGENCY

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2. Governing Board of the Agency
3. Tenure of some members of the Board
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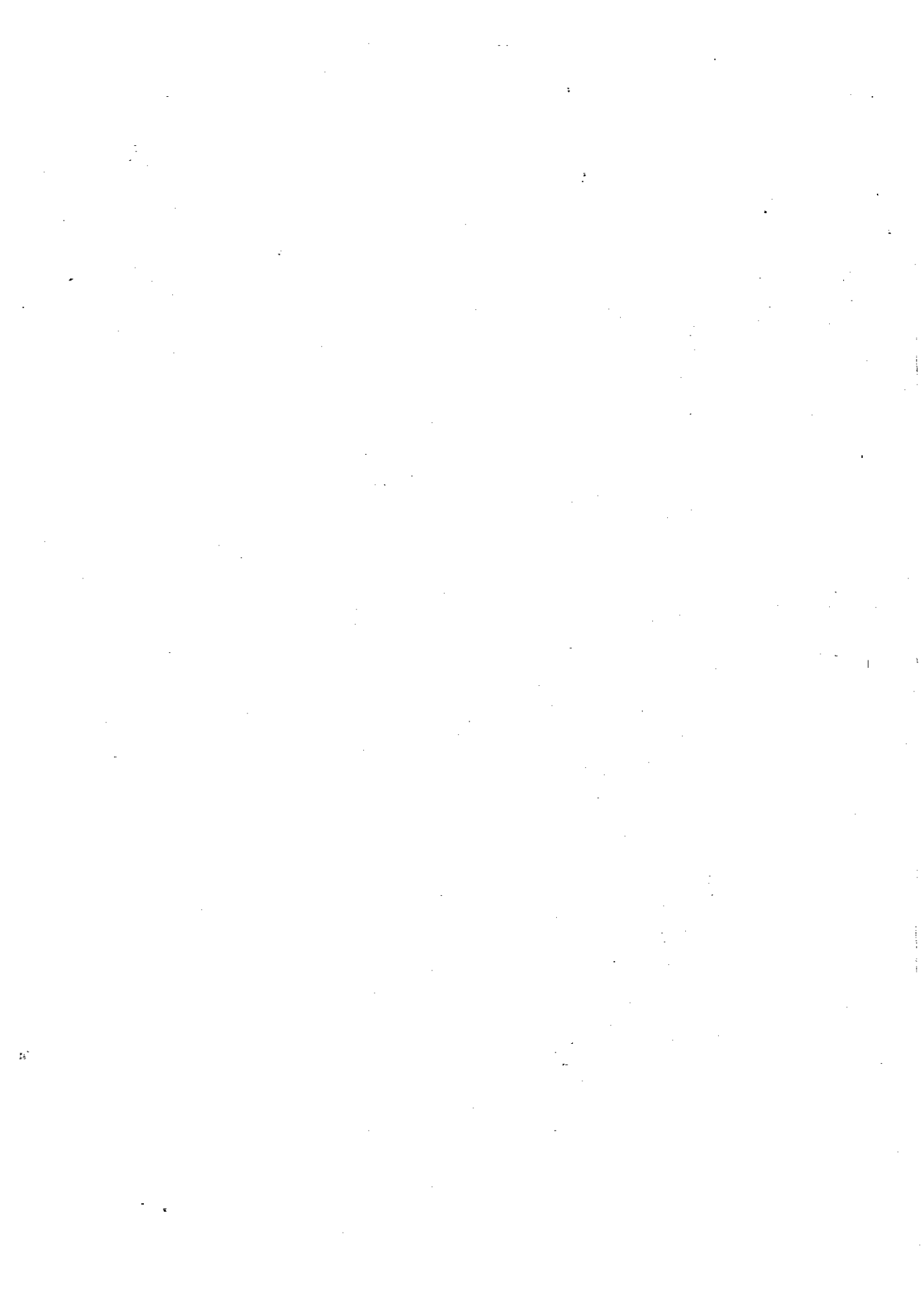
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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL ORPHANAGE REGULATORY AGENCY, TO BE SADDLED WITH THE RESPONSIBILITY OF COORDINATING AND REGULATING ALL FORMS OF CHILDREN UNDER THE CARE OF ORPHANAGE HOMES OR CENTRES CORPORATE AFFAIRS COMMISSION CERTIFICATION FOR PROPER MANAGEMENT ESPECJALL Y MONITORING AND EVALUATING ON THEIR HYGIENIC CONDITIONS, TOTAL NUMBER OF INCOMING ORPHANS DEMOGRAPHICALLY IN THE CENTRES AND OUTGOING OF ORPHANS TO ANY DESTINATION THROUGH RECORD KEEPING AS TO AVOID MISMANAGEMENT OR CORRUPTION WITHIN THE ORPHANAGE HOMES GENERALLY AND FOR RELATED MATTERS

Sponsored by Hon. James Adisa Owolabi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL ORPHANAGE REGULATORY
2 AGENCY AND ITS GOVERNING BOARD

3 1.-(1) There is established Federal Orphanage Regulatory Agency
4 (in this Bill referred to as "the Agency"). Establishment
of the Agency

5 (2) The Agency shall be a corporate body with a perpetual
6 succession and a common seal, may sue and be sued in its corporate name
7 and shall operate under the presidency.

8 2.-(1) There is established for the Agency a Governing Board ("in
9 this Bill referred to as "the Board") which shall consist: Governing Board
of the Agency

10 (a) chairman, who shall be an experienced person(s) in public
11 relations and Administration, shall be appointed by the president of the
12 Federal Republic of Nigeria (FRN).

13 (b) A representative of:

	1	(i) Ministry responsible for Women Affairs and Social Development;
	2	(ii) Ministry responsible for Finance, budget and National planning;
	3	(iii) CBN;
	4	(iv) EFCC;
	5	(v) NGO/Civil Society Organization;
	6	(vi) Ministry Responsible for Justice; and
	7	(vii) IGPO Office.
	8	(c) the Chairman of the Agency, who shall serve as a member and
	9	secretary of the Board.
	10	(2) Members of the Board shall not be below the rank of a Director.
Schedule	11	(3) The supplementary provisions contained in the schedule to this
	12	Bill, shall have effect with respect to the proceedings of the board and other
	13	Matters.
Tenure of members of the Board	14	3.-(1) The Agency and members of the Board, shall hold office for the
	15	four "4" years and renewable, subject to satisfactory performances, for further
	16	term of four "4" years and no more.
	17	(2) The members of the Board shall be paid such remunerations
	18	allowances as the President of the FRN, on recommendation of salaries and
	19	wages commission, may from time to time determine.
Resignation, Cessation or removal of some members of the Board	20	4.-(1) The members of the Board may resign the appointment, by
	21	notice in writing addressed to the chairman, while the chairman shall address
	22	his/her letter of resignation to the President of the FRN.
	23	(2) A member of the Board, may cease membership if the member;
	24	(a) dies or becomes of unsound mind;
	25	(b) becomes bankrupt;
	26	(c) is convicted of a felony or of any offence involving dishonesty;
	27	(d) is guilty of serious misconduct in relation to the office;
	28	(e) in the case of a holding professional qualification, if the person(s)
	29	is disqualified or suspended from practicing the profession; or
	30	(f) cease to be a staff of the Agency he is representing.

1 (3) A member of the Board may be removed, at any time, from the
2 office by the president of the "FRN", if the President of the "FRN" is
3 satisfied that it is not in the interest of the Agency or the public that the
4 member should continue to hold office.

5 PART II - FUNCTIONS OF THE BOARD

6 5. The Agency shall be responsible for:

Functions of the
Agency

7 (a) Coordinating and regulating all forms of orphanage registration
8 in Nigeria for transparency and accountability;

9 (b) Provide comprehensive database of all the children
10 domesticated in all the orphanage centres across the nation;

11 (c) Provide capturing platform to all the children residing in the
12 orphanage homes or centres within the country;

13 (d) Make demographical demarcation of the orphans to eschew
14 immorality within the orphanage domain;

15 (e) Ensure that the children domesticated in the orphanage centres
16 were impacted with moral values to achieve their safety and healthy life
17 style within the centres across the federation;

18 (f) Ensure that the new born babies brought to the orphanage
19 centres were adequately provided with medical care for better survival in
20 Nigeria;

21 (g) Ensure supervision and control of the movement of the orphans
22 from time to time to avoid loss of orphans from the centres to unknown
23 destination within the country; and

24 (h) Ensure monitoring and evaluation mechanism to the orphanage
25 centres, as to ascertain the number of new orphans and the old ones
26 especially to avoid selling of babies or manipulation across the federation.

27 6. The Board shall have powers to:

Powers of the
Board

28 (a) superintend smooth implementation of the functions of the
29 Agency;

30 (b) ensure and approve the orphans capacity training for inclusion

- 1 in the political participation and administration in the country;
- 2 (c) approve leadership programs for orphanage managers in order to
- 3 manage the orphans in Nigeria;
- 4 (d) approve appointment, discipline and promotion of staff of the
- 5 Agency;
- 6 (e) approve creation of additional departments, divisions and units
- 7 as may deem necessary to achieve the objectives of the Agency; .
- 8 (f) perform any other function that may be assigned to it by the
- 9 President of the "FRN" from time to time; and
- 10 (g) do other thing that is incidental to the objectives of this Bill.

11 PART III - STAFF OF THE AGENCY

Chairman and
Secretary of the
Agency

- 12 7.-(1) There shall be appointed for the Agency a chairman, by the
- 13 president of the FRN, who shall possess cognate experience and qualification
- 14 in public relations and Administration, for a period of not less than 10 years.
- 15 (2) The chairman shall:
- 16 (a) be the Chief-Executive and accounting officer of the Agency and
- 17 shall be charged with:
- 18 (i) matters relating to day-to-day management, and operations of the
- 19 Agency; and
- 20 (ii) determining structure of ranks, for staff of the Agency.
- 21 (b) hold office for a term of four "4" years and renewable, subject to
- 22 satisfactory performance, for further term of four "4" years, and no more; and
- 23 (c) be answerable to the Board.
- 24 (3) There shall be appointed for the Agency, by the Board on the
- 25 recommendation of the chairman, a Secretary for the Agency, who shall qualify
- 26 as a legal practitioner and was so qualified for a period of 10 years.
- 27 (4) The Secretary shall be:
- 28 (a) a legal adviser of the Agency and secretary to all the committees to
- 29 be established by the management committees;
- 30 (b) answerable to the chairman of the Agency;

1 (c) handles Junior staff recruitments promotions, welfare and
2 report back to the chairman for approval.

3 8.-(1) The staff of the Agency other than those, mentioned in this
4 Bill, shall be employed according to the procedure stipulated by the Board.

Other staff of
the Agency

5 (2) The staff can be on permanent or temporary appointment on the
6 terms which precludes the grants of pension and gratuity.

7 (3) The staff of the Agency who qualify as a legal practitioner,
8 within the meaning of legal practitioners Act, shall in addition to other
9 function, enter appearance to prosecute or defend any civil matters in any
10 court involving the Agency.

Cap. L11 LFN,
2004

11 9.-(1) The Agency may subject to the provision of this Bill, with the
12 approval of the Board, make staff regulations, relating generally to the
13 condition of service in the Agency such regulation may provide for the
14 appointment, promotion, discipline and appeals for the staff of the Agency;

Staff regulations

15 (2) The staff of the Agency shall be paid such salary and allowances
16 as may be determined by the president on recommendation of the Board.

17 PART VI - STRUCTURE OF THE AGENCY

18 10.-(1) There shall be establish for the Agency, such number of
19 Departments, Divisions, and units as the Agency, may with the approval of
20 the Board deem necessary.

Department of
the Agency

21 (2) Each Department shall be headed by a Director who shall be
22 professionally qualified to hold the office appointed through a competitive
23 process.

24 (3) Subject to the approval of the Board, of the Agency may create
25 additional departments, divisions and units as it may deem necessary to
26 achieve the objective of the Agency.

27 11. The Agency shall:

Zonal offices of
the Agency

28 (a) divide the federation into such number of zones as it may from
29 time to time, determine for effective organization of the Agency; and

30 (b) establish in each zone, a zonal office and all states of the

1 federation including FCT.

Establishment
of management
and other
committees for
the Agency

2 12.-(1) There is established for the Agency, a management,
3 committee comprising of all the Directors and the chairman of the Agency, who
4 shall be the chairperson of the committee.

5 (2) The committee may create additional standing or Ad-Hoc
6 committees and give them specific function.

7 PART V - FINANCIAL PROVISIONS

Establishment
of fund for the
Agency

8 13. The Agency shall establish and maintain a fund, which shall be
9 paid and credited:

10 (a) all subventions and budgetary allocation from the Federal
11 Government;

12 (b) all sums accruing to the Agency by the way of gifts, endowments,
13 bequests, grants or other social contributions, by person(s) and organizations;

14 (c) returns of investments;

15 (d) foreign donations or aid;

16 (e) all local donations or aid and assistances; and

17 (f) all other sums which may from time to time, accrued to the Agency.

Application and
management,
of the fund

18 14. The Agency shall manage and apply its fund, in accordance with
19 the general guidelines made by the management committees, particularly on:

20 (a) general operations of the Agency;

21 (b) cost of payment of allowances to the members of the board;

22 (c) payment of salaries and other allowances for the staff of the
23 Agency;

24 (d) maintenance of any property vested in the Agency; and

25 (e) cost of procurement of goods and consultancy, services for the
26 benefits of the Agency.

Annual Budget
of the Agency

27 15. The Agency shall not later than 30th September each . year or other
28 date stipulated by law or policy, submit to the president an expenditure estimate
29 or income of the Agency as approved by the Board for the next fiscal year, for
30 incorporation into the Federation budget.

1 reasonable time to obtain information of record of person affected by this Bill;
2 and

3 (b) by notice in writing, served on person to provide an information
4 required for carrying out the functions of the Agency.

Citation

5 24. This Bill may be cited as the Federal Orphanage Regulatory
6 Agency Bill, 2021.

7 SCHEDULE

8 *Clause 2(3)*

9 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

10 *Proceedings of the Board*

11 1.-(1) Subject to the Provisions of this Bill and other applicable laws,
12 the Board may make Standing orders regulating its proceedings;

13 (2) The Board shall meet whenever summoned by the Chairman, or if
14 required to do so, by at least five '5' members out of '10' ten members of the
15 Board, and shall meet for a minimum of 4 times in each Fiscal year.

16 (3) The Chairman shall preside over the meetings of the Agency and
17 in his/her absence, the Secretary of the Agency, may act and report back to the
18 Chairman.

19 (4) The quorum of the Board shall be formed by the Chairman or a
20 person sitting (secretary) in his/her place as chairman and five "5" other
21 members of the Board or more.

22 *Committees*

23 2.-(1) The Board may appoint committees and sub-committees to
24 carry out, on its behalf, such functions that Board shall do.

25 (2) The decision of the sub-committee appointed under paragraph
26 2(1) shall have no effect until it is approved by the committee and the Board.

27 *Miscellaneous*

28 3.-(1) The Secretary of the Board shall be the custodian of the seal of
29 the Board.

30 (2) Fixing of the common seal of the Agency shall be authenticated by

1 the signature of the chairman of the Board or some other person(s)
2 authorized to do so.

3 (3) Any contract or instrument, which if made or executed by a
4 person(s) not being a corporate body, shall not require to be, made under
5 seal, shall be executed on behalf of the Agency by the chairman or any other
6 person authorized to do so.

7 (4) Where the Board desires to obtain an expert opinion from a
8 person not being a member of the board, the Board may co-opt, such person
9 for such period the Board may determine but the co-opted person shall not
10 have the right to vote or to count in forming a quorum.

11 (5) The validity of any proceeding of the Board or of a committee
12 shall not be adversely affected by any vacancy in the membership of the
13 Board or committee or by any defect in the appointment of a member of the
14 Board or committee or by reason that a person not entitled to take part in the,
15 proceedings of the Board or the committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Orphanage Regulatory Agency, to be saddled with the responsibility of coordinating and regulating all forms of children under the care of orphanage homes or centres with corporate affairs commission certification for proper management especially monitoring and evaluating on their hygienic conditions, total number of incoming orphans demographically in the centres and outgoing of orphans to any destination through record keeping as to avoid mismanagement or corruption within the orphanage homes generally.

