

A BILL

FOR

AN ACT TO ESTABLISH THE SOCIALLY DISPLACED PERSONS UNIT TO PROVIDE FOR THE ASSESSMENT, CARE AND REHABILITATION OF SOCIALLY DISPLACED PERSONS AND FOR RELATED MATTERS

Sponsored by Hon. Simon D. Mwakwona

[] Commencement

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

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PART I - SOCIAL DISPLACEMENT UNIT

1. The Minister shall establish a Social Displacement Unit (hereinafter referred to as "the Unit") for the assessment, relocation, care and rehabilitation of socially displaced persons.

Establishment of Social Displacement Unit

2. The Unit shall be responsible for:

Functions and Responsibilities of the Unit

(a) co-ordinating and monitoring of the voluntary and involuntary removal of socially displaced persons from the streets and other public places;

(b) co-ordinating and monitoring of activities pertinent to the rehabilitation of socially displaced persons;

(c) identifying the factors that lead to social displacement and implementing educational and other programmes aimed at preventing an increase in the population of socially displaced persons;

(d) the establishment and monitoring of care standards for the socially displaced;

(e) the establishment of the Social Displacement Fund;

(f) advising and making recommendations to the Board on all other matters pertaining to the care of the socially displaced and such other matters as the Minister may refer to.

Staff of the Unit

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- 3. The staff of the Unit shall include the following persons:
- (a) an Executive Director;
- (b) an Executive Assistant;
- (c) a Social Work Specialist;
- (d) a Psychologist;
- (e) a Medical Doctor;
- (f) a Registered Nurse;
- (g) two Social Workers;;
- (h) one Research Officer;
- (i) one Clerk Typist I;
- (j) a Psychiatrist;
- (k) a Field Officer.

Fund of the Unit

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- 4.-(1) A Social Displacement Fund (hereinafter referred to as "the Fund") is hereby established for the purposes of this Act.
- (2) The purpose of the Fund is to finance social displacement projects as are identified by the Unit.
- (3) The resources of the Fund shall consist of:
 - (a) any monies that may from time to time be appropriated by the National Assembly;
 - (b) contributions from corporate and individual citizens;
 - (c) contributions from regional and international agencies; and
 - (d) all other sums of money that may in any manner become payable to or vested in the Fund.
- (4) The accounts of the Fund shall be audited annually by the Auditor General.

PART II - SOCIAL DISPLACEMENT BOARD

The Board

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- 5.-(1) A Social Displacement Board (hereinafter referred to as "the Board") is hereby established for the purposes of this Act.
- (2) The Board shall consist of a Chairman and eleven other members all of whom shall be appointed by the Minister.

1 (3) Every appointment shall be for a term of three years but may be
2 revoked by the Minister for any reasonable cause before the expiration of
3 that term.

4 (4) The quorum of the Board shall be six.

5 (5) The members appointed in accordance with subsection (2) shall
6 include:

7 (a) a representative of the Ministry of Youth and Social
8 development;

9 (b) a representative of the Ministry of Health;

10 (c) a representative of the Trade Union Congress;

11 (d) one attorney-at-law of at least five years;

12 (e) a representative of a non-governmental organisation;

13 (f) a qualified accountant;

14 (g) the Executive Director of the Unit who shall be an ex officio
15 member of the Board.

16 (6) A person who has a financial interest in an institution for the
17 care of socially displaced persons shall not be eligible for membership on
18 the Board.

19 (7) The Chairman of the Board shall preside at all meetings of the
20 Board.

21 (8) At a meeting of the Board from which the Chairman is absent,
22 the members present shall appoint one of their number to act as Chairman at
23 that meeting.

24 (9) The Chairman may at any time resign his office by letter
25 addressed to the Minister.

26 (10) A member may at any time resign his office by letter addressed
27 to the Chairman, who shall cause it to be forwarded to the Minister.

28 (11) The appointment of a person as a member and the termination
29 of office of a member whether by death, resignation, revocation, effluxion of
30 time or otherwise shall be notified in the Gazette.

1 (12) If a member is unable to perform the functions of office owing to
2 his absence from Nigeria or for any other reason, the Minister may appoint a
3 new member.

4 6. The Unit shall provide Secretarial Services to the Board.

The seal of the
Board

5 7.-(1) There shall be a seal of the Board which shall be kept in the
6 custody of the Chairman and may be affixed to instruments pursuant to a
7 resolution of the Board in the presence of the Chairman and one other member
8 and the Secretary.

9 (2) The seal of the Board shall be attested by the signature of the
10 Chairman or the Secretary.

11 (3) All documents made by the Board, other than those required by
12 law to be under seal, and all decisions of the Board may be signified under the
13 hand of the Chairman or Secretary.

14 (4) Service upon the Board of a notice, order or other document shall
15 be executed by delivering it, or sending it by registered post addressed to the
16 Secretary at the office of the Board.

Board Meeting

17 8.-(1) The Board shall meet at least once a month and at such other
18 times as may be necessary or expedient for the transaction of business. The
19 meetings shall be held at a place and time to be determined by the Board.

20 (2) The Chairman may at any time call a special meeting of the Board
21 within seven days of the receipt of a requisition for that purpose addressed to
22 him by three members.

23 (3) The Secretary shall keep the minutes of each meeting in proper
24 form.

25 (4) The Chairman shall certify a copy of the confirmed minutes at a
26 subsequent meeting and forward it to the Minister.

27 (5) The Board may co-opt one or more persons to attend a particular
28 meeting of the Board for the purpose of assisting or advising the Board, but a
29 co-opted person shall not have the right to vote.

30 (6) Subject to this Act, the Board may regulate its own procedure.

- 1 9.-(1) The Board shall be responsible for:
- 2 (a) the overall policy and direction of the Unit;
- 3 (b) the management of the Social Displacement Fund; and
- 4 (c) assisting the Unit in the attainment of the objectives of the Unit.

Responsibilities
of the Board

5 PART III - ASSESSMENT AND CARE CENTERS

- 6 10.-(1) The Minister shall establish assessment centres and may by
- 7 order designate an existing facility to be an assessment centre.

Assessment and
Care Centres

- 8 (2) Assessment centres established or designated as such under this
- 9 section shall be under the control of the Unit.

- 10 (3) The Unit shall be responsible for monitoring the assessment,
- 11 evaluation, relocation and rehabilitation of socially displaced persons who
- 12 are admitted to an assessment centre.

- 13 11. A socially displaced person may voluntarily seek admission to
- 14 an assessment centre and if he is admitted to that centre he shall be required
- 15 to abide by the conditions of admission imposed by this Act or any
- 16 regulations made under this Act.

- 17 12. Where a field officer determines upon investigation that a
- 18 socially displaced person is unwilling to seek admission to an assessment
- 19 centre and cannot be persuaded to do so, the field officer shall submit to the
- 20 Unit a written report on the case.

- 21 13.-(1) Where upon receipt of the Report referred to in section 5 the
- 22 unit is satisfied that all efforts to persuade the person named in the Report to
- 23 be admitted to an assessment centre have failed, the unit shall make an
- 24 application in the prescribed form to the court for an order to admit that
- 25 person to the centre.

- 26 (2) Where the court is satisfied on the evidence presented that a
- 27 person named in that application is a socially displaced person, the court
- 28 shall make an order requiring that person to be admitted to an assessment
- 29 centre.

- 30 (3) The person referred to in subsection (1) shall be served with a

1 copy of the Order referred to in subsection (2) and the field officer shall advise
2 him that he is entitled to legal aid in accordance with the Legal Aid Act.

3 (4) Notwithstanding any other written law to the contrary, the order is
4 deemed to be a summons:

5 (a) issued in accordance with section 42 and

6 (b) requiring the person to appear in court on the day and time stated
7 therein to show cause why he should not be admitted to the centre.

8 14. The procedure governing the making of courts application shall
9 apply mutatis mutandis to the making of an application for an Order under this
10 Act.

11 15.-(1) Where the court makes an order under subsection 16(2), the
12 Unit shall arrange for a field officer to remove the socially displaced person
13 named in the order in a humane manner, and in such a way that his dignity is
14 preserved.

15 (2) A field officer shall not remove a socially displaced person unless
16 that officer is accompanied by a police officer.

17 (3) Where a field officer removes a socially displaced person in
18 accordance with this section, the Unit shall inform the next of kin or closest
19 relative of the socially displaced person as soon as it is reasonably practicable
20 to do so.

21 16.-(1) The Minister may, subject to this Act, issue a certificate
22 approving the use of any house or home as a care centre authorising the person
23 named in the certificate to admit a socially displaced person for care and
24 treatment as:

25 (a) an urgent admission;

26 (b) a voluntary admission; or

27 (c) a medically recommended person.

28 (2) Every person who has been admitted to a care centre shall be under
29 the care and supervision of a medical practitioner and a social worker.

30 (3) A house shall not be used as a care centre unless:

1 (a) it satisfies the criteria relating to standards of care as set out in
2 the regulations; and

3 (b) a certificate has been issued under subsection (1).

4 (4) An application for a certificate shall be made in the prescribed
5 form.

6 (5) A certificate shall not be issued or renewed unless the house, its
7 location with regard to the neighbouring premises and its proposed facilities
8 and equipment adhere to the standards of care as established by the Unit and
9 the Minister is satisfied as to the character and fitness of the applicant.

10 (6) A certificate issued under this section shall be displayed in a
11 conspicuous part of the house in respect of which it was issued.

12 (7) Every care centre shall be under the supervision of a Medical
13 Practitioner.

14 (8) The manager of a Care Centre shall be paid a fee in an amount to
15 be determined by the Minister from time to time in respect of each person
16 admitted to the care centre.

17 17. A person who contravenes section 19(3) or 19(6) or any Regulations
18 regulations made under this Act commits an offence and is liable on
19 summary conviction to a fine of five thousand dollars and to imprisonment
20 for one year.

21 18.-(1) Where a person has been admitted into an assessment
22 centre in accordance with the provisions of this Act, the Centre shall
23 undertake an initial assessment at the time of admission.

24 (2) The Unit shall, within fourteen days from the date of admission,
25 conduct a further assessment of that person to determine whether he should
26 be discharged from the assessment centre or should be admitted to one of the
27 following:

28 (a) a mental institution;

29 (b) a medical institution;

30 (c) a detoxification or drug rehabilitation centre; or

1 (d) a care centre, as a beginning of the care process, that would
2 facilitate rehabilitation and reintegration into the society.

3 19. Every person admitted to a care centre shall be the responsibility
4 of the Manager of the centre.

5 20. The Unit shall review the case of each resident of a care centre on
6 a monthly basis to assess his suitability for discharge from the centre.

Power to
recommend

7 21. The Unit shall have the power to recommend that any resident
8 may be discharged from a care centre either conditionally or unconditionally.

9 22.-(1) A relative or friend who is willing and able to provide for a
10 socially displaced person who is being cared for at a care centre, may apply to
11 the Director to have that person placed under the care and control of that
12 relative or friend.

13 (2) Where the Director is satisfied that the applicant can provide
14 adequate care and support for the socially displaced person, he may discharge
15 that person into the care of the applicant.

16 (3) Where for any reason the care and support of the relative or friend
17 of the socially displaced person ceases, the relative or friend shall inform the
18 Director of the cessation of such care and support as soon as it is reasonably
19 practicable to do so.

20 23.-(1) A person residing in a care centre may be required to engage in
21 any suitable work, for which the Unit certifies him to be capable, either with a
22 view to fitting him for employment outside of the care centre or with a view to
23 his contributing to his maintenance in the care centre.

24 (2) A person residing in a care centre who attends work outside the
25 care centre shall be deemed, while engaged in such employment, to be a
26 resident of the care centre.

27 24. A person residing in a care centre may, if so directed by the Unit,
28 be transferred to a hospital or other medical institution for treatment, and shall
29 be deemed to be a resident of the care centre while receiving such treatment.

1 25. The Unit may transfer a person residing in a care centre to
2 another care centre.

3 26. Where upon investigation, a Field Officer determines that a
4 person:

5 (a) without permission of the Manager, leaves a care centre to
6 which he has been admitted in accordance with section 15 of this Act; or

7 (b) having obtained permission from the Manager, leaves a care
8 centre for a limited time or for a specified purpose and fails to return at the
9 expiration of that time or when that purpose has been accomplished and
10 without reasonable excuse returns to street life, commits an offence and is
11 liable on summary conviction to imprisonment for a term not exceeding one
12 month.

13 27. A person residing in a care centre who:

14 (a) takes part in any assault or attack on any officer of the care
15 centre;

16 (b) aggravates or repeatedly assaults any other person residing in
17 the care centre; or

18 (c) willfully destroys or steals any property of the care centre, or of
19 the staff or other residents of the care centre, commits an offence and is liable
20 on summary conviction to imprisonment for a term not exceeding three
21 months.

22 28. Any person who is reasonably suspected of having committed
23 an offence under section 28 or 29 and who refuses or fails to accompany a
24 police officer to, or to appear before a Magistrate's Court when required to
25 do so for the purposes of this Act, may be arrested without a warrant.

Arrest without
a warrant

26 29. A person who has completed serving a sentence imposed on
27 him under section 28 or 29 shall be returned to a care centre, and the Unit
28 shall have the power to grant admission to such person after he has served
29 his sentence.

Returns to care
centre after serving
sentence

- Regulations
- 1 **30.** The Minister may make regulations for the purpose of giving
2 effect to the provisions of this Act and in particular for:
3 (a) prescribing anything that is required to be prescribed by this Act;
4 (b) governing the issue or withdrawal of a certificate;
5 (c) prescribing the fees payable in respect of the issue or renewal of a
6 certificate;
7 (d) prescribing the constitution and functions of the Unit;
8 (e) regulating the management of assessment and care centres and the
9 admission of persons to these centres;
10 (f) the care, control and rehabilitation of persons residing in care
11 centres;
12 (g) prescribing the forms to be used for the purpose of this Act; and
13 (h) prescribing standards of care.
- Interpretations
- 14 **31.** In this Act, unless the context otherwise requires:
15 "assessment centre" means a centre established under section 13 for the
16 assessment, evaluation, and treatment of socially displaced persons;
17 "Board" means the Social Displacement Board appointed by the Minister
18 under section 8;
19 "care centre" means any house, home or facility approved as such under section
20 19 for the reception of socially displaced persons who are in need of care and
21 treatment;
22 "court" means a court of summary jurisdiction;
23 "Director" means the Executive Director of the Social Displacement Unit;
24 "Field Officer" means a person responsible for the initial assessment of a
25 socially displaced person before he is admitted to an assessment centre;
26 "Manager" means a person having the management or control of an assessment
27 centre or care;
28 "Minister" means the Minister to whom is assigned the responsibility for
29 Social Development;
30 "public place" includes any place to which the public is admitted with or

1 without payment;
2 "the Social Displacement Unit" is the Unit established under clause 4;
3 "socially displaced person" means any idle person habitually found in a
4 public place whether or not he is begging and who by reason of illness or
5 otherwise is unable to maintain himself, or has no means of subsistence or
6 place of residence, is unable to give a satisfactory account of himself and
7 causes or is likely to cause annoyance or damage to persons frequenting that
8 public place, or otherwise to create a nuisance.

9 32. This Bill may be cited as the Socially Displaced Persons Bill, Citation
10 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the assessment, care and rehabilitation of socially displaced persons in Nigeria.

