SOCIAL ASSISTANCE BILL, 2019

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A BILL

FOR

AN ACT TO PROVIDE FOR THE RENDERING OF SOCIAL ASSISTANCE TO EXPECTANT MOTHERS AND YOUNG PERSONS; TO PROVIDE FOR THE PROCESS OF SUCH ASSISTANCE AND TO ESTABLISH THE NIGERIAN SOCIAL ASSISTANCE AGENCY TO PROVIDE FOR THE PROSPECTIVE ADMINISTRATION OF SOCIAL ASSISTANCE IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Chimaroke Nnamani

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

CHAPTER 1 - INTERPRETATION, APPLICATION AND OBJECTS OF ACT

1. In this Act, unless the context indicates otherwise-

2. "Agency" means the Nigerian Social Assistance Agency established by section 16 of this Act;

3. "applicant" means a person who applies for social assistance in respect of himself for herself or on behalf of another person in terms of this Act;

4. "beneficiary" means a person who receives social assistance in terms of sections 6, 7, 8, 9;

5. "Board" means the Governing Board established for the Agency under section 17 of this Act;

6. "Expected mothers" means pregnant woman;

7. "Member" means a member of the Board and includes the Chairman, Managing Director and Executive Directors;

8. "prescribed" means prescribed by regulation;

9. "primary care giver" means a person older than 16 years, whether or not related to a child, who takes primary responsibility for meeting the daily care needs of that child;
"regulation" means a regulation made in terms of this Act;

"social assistance" means a social grant including social relief of distress;

"young persons" means persons below the age of 18 years;

2.--(1) This Act applies to Nigeria Citizens.

(1) The Agency is responsible for the administration of social assistance in terms of chapter 3 and in terms of any function delegated to it in terms of section 29.

(2) The Agency must offer all reasonable maternal assistance from conception to delivery, free early and compulsory primary and secondary education to children, free school feeding program, free health services

(3) The Agency must, out of moneys appropriated by National Assembly for this purpose or with funds donated for this purpose, publish and distribute to beneficiaries and potential beneficiaries, brochures in all official languages of the country setting out in understandable language the rights, duties, obligations, procedures and mechanisms contemplated in this Act, as well as contact details of the Agency or anyone acting on its behalf.

3. The objects of this Act are to-

(a) provide for the administration of social assistance in accordance with section 2(2);

(b) make provision for social assistance and to determine the qualification;

(c) ensure that minimum norms and standards are prescribed for the delivery of social assistance;

(d) Provide for the establishment of an inspectorate for social assistance.

CHAPTER 2 - SOCIAL ASSISTANCE

4. The Minister must, with the concurrence of the Minister of Finance, out of moneys appropriated by the National Assembly for that purpose, make available-

(a) Free maternal Care;
(b) Free health services;
(c) Compulsory free early, primary and secondary education;
(d) Free school feeding program;

5. A person is entitled to the appropriate social assistance if he or she-

(a) is eligible in terms of section 6, 7, 8, 9;
(b) subject to section 17, is resident in Nigeria;
(c) is a Nigerian citizen or is a member of a group or category of persons prescribed by the Minister, with the concurrence of the Minister of Finance, by notice in the Gazette;
(d) complies with any additional requirements or conditions prescribed in terms of subsection (2)
(e) proof of and measures to establish or verify identity, gender,
age, citizenship,

(2) The Minister may prescribe additional requirements or conditions in respect of-

(a) forms, procedures and processes for interventions;
(b) measures to prevent fraud and abuse.

6. A Mother is, eligible for free maternal care from conception to delivery.

7. A mother and child is eligible for free health services be it from public or private health providers at the expense of the Agency till the child attains 18 years.

8. Despite the provisions of the compulsory free education Act 2000 a child is eligible for a Compulsory free early, primary and secondary education.

9. A Child eligible for a free square meal a day in both early years, primary and secondary school age.
CHAPTER 3 - ADMINISTRATION OF SOCIAL ASSISTANCE

10.- (1) Any person who wishes to apply for social assistance contemplated in sections 6 to 9 must do so in the prescribed manner.

(2) In considering an application made in terms of subsection (1), the Agency may conduct an investigation and request additional information.

(3) (a) If the applicant qualifies for social assistance in terms of this Act, the Agency must render relevant social assistance;

(b) If the applicant does not qualify for social assistance in terms of this Act, the Agency must in writing at the applicant's address or other point of contact stated in the application, inform the applicant-

(i) that he or she does not qualify for social assistance in terms of this Act;

(ii) the reasons why he or she does not qualify; and

(iii) of his or her right of appeal contemplated in section 18 and of the mechanism and procedure to invoke that right.

(4) No person may divulge any personal information of an applicant furnished in respect of an application except-

(a) to a person who requires it in order to perform a function in terms of this Act;

(b) when required to do so by law or by an order of court; or

(c) with the consent of the applicant.

(5) If any information supplied by a beneficiary to the Agency in an application for a grant materially changes after that beneficiary has submitted that application, he or she must as soon as is reasonably possible after that change occurs, inform the Agency thereof.

11.- (1) If an applicant disagrees with a decision made by the Agency in respect of a matter regulated by this Act, that person or a person acting on his or her behalf may, within 90 days of his or her gaining knowledge of that decision, lodge a written appeal with the Minister against that decision, setting out the reasons why the Minister should vary or set aside that decision.
(2) The Minister may, after considering the appeal and the Agency's reasons for the decision—
(a) confirm, vary or set aside that decision; or
(b) appoint an independent tribunal to consider the appeal in accordance with such conditions as the Minister may prescribe by notice in the Gazette, and that tribunal may, after consideration of the matter vary or set aside that decision.

12.- (1) A person is guilty of an offence if such person, when applying for social assistance, furnishes information which he or she knows to be untrue or misleading in a material respect or makes a representation which to his or her knowledge is false, in order that he or she or another person may—
(a) obtain or retain social assistance to which he or she is not entitled in terms of this Act; or
(b) obtain social assistance in excess of that to which he or she is entitled in terms of this Act.

(2) If any person receives social assistance knowing that he or she is not entitled thereto, or is not entitled to the full amount which he or she is receiving, and he or she fails to inform the Agency thereof, he or she is guilty of an offence.

(3) A beneficiary who knowingly fails to inform the Agency of any material change of information with respect to his or her change of status which renders such a person ineligible is guilty of an offence.

13.- (1) The Agency may, in the performance of its functions, inquire into any matter—
(a) subpoena any Person who can furnish information of material importance concerning the matter under investigation, or who is reasonably assumed to have under his or her control a book, document or thing that may have a bearing on the investigation, to appear within a reasonable period before it and to furnish such information or to produce such book, document
or thing, as the case may be;
(b) through its representative administer an oath to that person or
cause that person to make an affirmation if that person was or could have been
subpoenaed in terms of paragraph (a) and he or she is present at the enquiry;
(c) through its representative cross-examine any person referred to in
paragraph (b).

(2) A subpoena to appear before the Agency must be in the prescribed
form and must be served on the person by registered mail or in the manner in
which it would have been served had it been a subpoena issued by the clerk of a
magistrate's court.

(3) The rules with regard to privilege, which are applicable in the case
of a person who has been subpoenaed to give evidence or to produce a book,
document or thing before a court of law, apply in respect of the examination of a
person and the production of a book document or thing contemplated in
subsection (1).

GENERAL PROVISIONS

14.-(1) The Minister may in writing-
(a) delegate to the Director-General, the Agency, a staff any power
conferred upon the Minister by this Act, except the power to make regulations;
(b) authorise the Director-General, the agency, a staff to perform any
duty imposed upon the Minister by this Act.

(2) The Director-General may in writing-
(a) delegate to a staff any officer of the Agency any power delegated
to him in terms of subsection 1(a);
(b) authorise that staff or officer to perform any duty which he or she
has been authorised to perform in terms of subsection 1(b).

(3) Any person to whom a power has been delegated or who has been
authorised to perform a duty in terms of subsections (1) or (2), must exercise
that power or perform that duty subject to the conditions determined by the
person who effected the delegation or granted the authorisation.
(4) Any delegation of a power or authorisation to perform a duty under subsection 1-
(a) does not prevent the person who effected the delegation or granted the authorisation from exercising that power or performing that duty himself or herself;
(b) may at any time be amended or withdrawn in writing by the person who effected the delegation or granted the authorization.

NIGERIAN SOCIAL SECURITY AGENCY

15.- (1) The Nigerian Social Assistance Agency is hereby established.

(2) The Agency-
(a) shall be a body corporate with perpetual succession and a common seal;
(b) may sue and be sued in its corporate name.

(3) The Agency shall have its head office in Abuja and branch offices in the 36 states of the Federation and the Federal Capital Territory Abuja

16.- (1) There is hereby established for the Agency a Governing Board (in this Act referred to as "the Board"), which shall consist of-
(a) a chairman;
(b) six members one each from the six Geo-political zones;
(c) a representative of the Federal Ministry of Finance;
(d) a representative of the Federal Ministry of Justice;
(e) the Executive secretary; and
(f) two Executive Directors.

(2) The Chairman and other members of the Board shall-
(a) be appointed by the President, Commander-in-Chief Armed Forces, subject to the confirmation of the Senate;
(b) be persons of proven integrity and ability.

(3) The members of the Board referred to in paragraph (d) of
subsection (i) of this Section shall be part-time members.

(4) The supplementary provision set out in the schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

17.- (1) Subject to the provisions of this Act a member of the Board, other than an ex-officio member, shall hold office for a term of 4 years at the first instance and may be reappointed for a further term of 4 years and no more.

(2) A member of the Board other than ex-officio members, may resign his appointment by notice, in writing under his hand addressed to the President, Commander-in-Chief of the Armed Forces.

18.- (1) notwithstanding the provisions of section 18 of this Act, a person shall cease to hold office as a member of the Board if-

(a) he becomes bankrupt, suspends payment or compounds with his creditors;

(b) he is convicted of a felony or any offence involving dishonesty or fraud;

(c) he becomes of unsound mind, or incapable of carrying out his duties;

(d) he is guilty of a serious misconduct in relation to his duties;

(e) in the case of a person possessed of professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) he resigns his appointment by a letter addressed to the President, Commander-in-Chief of the Armed Forces

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President,
Commander-in-Chief of Armed Forces subject to the confirmation of the Senate.

19. members of the Board shall be paid such remuneration and allowances as the Federal Government may, from time to time, determine for the chairman and members of statutory board generally.

20. The objects of the Agency are to-
   (a) act, eventually, as the sole agent that will ensure the efficient and effective management, administration and payment of social assistance;
   (b) serve as an agent for the prospective administration and payment of social assistance; and
   (c) render services relating to such payments.

21.- (1) The Agency must-
   (a) administer social assistance accordance with the provision of section 3 of this bill and perform any function delegated to it under that Act;
   (b) collect, collate, maintain and administer such information as is necessary for the payment of social security, as well as for the central reconciliation and management of payment of transfer funds, in a national data base of all applicants for and beneficiaries of social assistance;
   (c) establish a compliance and fraud mechanism to ensure that the integrity of the social assistance system is maintained; and
   (d) render any service in accordance with an agreement or a provision of any applicable law as contemplated in subsection (4).

(2) The Agency may-
   (a) with the concurrence of the Minister enter into an agreement with any person to ensure effective payments to beneficiaries, and such an agreement must include provisions contemplated in subsection (3).  
   (b) do anything necessary for the realisation of the Agency's objects.

(3) The agreement contemplated in subsection (2) (a) must include provisions to ensure-.
(a) the effective, efficient and economical use of funds designated for
payment to beneficiaries of social security;
(b) the promotion and protection of the human dignity of applicants
for and beneficiaries of social Assistance;
(c) the protection of confidential information held by the Agency;
(d) honest, impartial, fair and equitable service delivery;
(e) mechanisms to regulate community participation and
consultation; and
(f) financial penalties for non-compliance with the provisions of the
agreement.

PART IV - STAFF OF THE COMMISSION.

22.- (1) There shall be for the Agency, an Executive secretary and two
Executive Directors who shall-
(a) have such qualification and experience as are appropriate for a
person required to perform functions of that office under this Act;
(b) be the Chief executive and accounting officer of the Agency; and,
(c) hold office on such terms and conditions as to emolument,
conditions of service as may be specified in his letter of appointment.

(2) The Managing Director shall, subject to the general direction of
the Board, be responsible-
(a) for the day to day administration of the Agency;
(b) for keeping the books and proper records of the proceedings of the
Board; and
(c) for-
(i) the administration of the Secretariat of the Board; and
(ii) the general direction and control of all other employees of the
chairman.

(3) The Board shall have to-
(a) employ either directly or on secondment from any civil or public
service, in the Federation or a State such number of employees as may, in the
opinion of the Board, be required to assist the Board in the discharge of any
of its functions under this Act; and
(b) pay to persons so employed such remuneration (including
allowances) as the Board may determine.

23.- (1) Service in the Agency shall be approved service for the
purposes of the Pension Act.
(2) The officers and other persons employed in the agency shall be
entitled to pensions, gratuities and other retirement benefits as are enjoyed
by persons holding equivalent grades as appropriate.
(3) Nothing in subsections (1) and (2) of this Section shall prevent
the appointment of a person to any office on terms which preclude the grant
of pension and gratuity in respect of that office.
(4) For the purposes of the application of the provisions of the
Pensions Act, any power exercisable there under by the Minister or other
authority of the Government of the Federation, other than the power to make
laws is hereby vested in and shall be exercisable by the Agency, and not by
any other person or authority.

24.- (1) The Agency shall establish and maintain a fund from which
it shall defray expenses and the sources of the fund shall-
(a) money appropriated by the National Assembly;
(b) grants made to the Agency by a designated institution;
(c) donations or contributions received by the Agency with the
approval of the Minister, subject to subsection (3);
(d) fees for services rendered to any designated institution in terms
of a service agreement.
(2) The Agency must utilize its funds to defray expenses incurred
by it in the performance of its functions.
(3) The Agency must utilise the donations and contributions
referred to in subsection (1) (c) in accordance with the conditions, if any,
imposed by the donor or contributor concerned, but those conditions shall
not be inconsistent with the objects of the Agency as contained in this Act or any other law.

25. The Agency shall apply the proceeds of the fund established pursuant to section 14 of this Act to-

(a) the cost of administration of the Agency;

(b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Board specified in section 6 of this Act or any Committee of the Board and the employees of the Agency;

(c) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration;

(d) the payment for all purchases; and

(e) undertaking such other activities as are connected with all or any of the functions of the Agency under this Act.

26.- (1) The Agency may accept gifts of land, money or other property on such terms and condition that may be specified by the person or organization making the gift.

(2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Agency under this Act.

27. The Agency may, with the consent of the President, Commander-in-Chief of the Armed Forces, borrow, on such terms and conditions as the Agency may require in the exercise of its functions under this Act.

28.- (1) The Board shall, not later than 30th September in each year, submit to the President, Commander-in-Chief of the Armed Forces an estimate of the expenditure and income of the Agency during the next succeeding year.

(2) The Board shall cause to be kept proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor-General for the Federation.
29. The Agency shall, at the end of every quarter in each year, submit to the President Commander-in-Chief of the Armed Forces a report on the activities and administration of the Agency.

30. The Board shall prepare and submit to the President, Commander-in-Chief of the Armed Forces, not later than 30th June in each year, a report in such form as the President, Commander-in-Chief of the Armed Forces, may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report thereon.

(2) The President, Commander-in-Chief of the Armed Forces shall, upon receipt of the report referred to in subsection (1) of this Section, cause a copy of the report and the audited accounts of the Agency and the auditor's report thereon to be submitted to each House of the National Assembly.

31.- (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Agency may, subject to the land use Act-

(a) purchase or take on lease any interest land, or other property;

and

(b) construct offices and premises and equip and maintain same.

(2) The Agency may, subject to the land use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.

32. Subject to the provisions of this Act, the President, Commander-in-Chief of the Armed Forces may give to the Agency directives of a general nature or relating generally to matters of policy with regard to the performance by the Agency of its functions and it shall be the duty of the Agency to comply with the directives.

33.- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted...
33. A notice, summons or other document required or authorised to be served upon the Agency under the provisions of this Act or any other law or enactment may be served by delivering it to the Managing Director or by sending it by registered post and addressed to the Managing Director at the principal office of the Commission.

34.- (1) In any action or suit against the Agency, no execution or attachment of process against the Agency unless not less than three months' notice of the intention to execute or attachment has been given to the Agency

35. A member of the Board, the Managing Director, any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any proceeding, whether civil or criminal, in which judgment is given in this favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officers or employee of the Agency.

36. The Agency may, with the approval of the President, Commander-in-Chief of the Armed Forces, make regulations, generally for the purposes of giving full effect to this Act.

37. A person is guilty of an offence if he or she-

(a) hinders or obstructs the Agency in the performance of his or her functions in terms of this Act;

(b) refuses or fails to comply with a requirement or request which the Agency has lawfully set or made in the performance of his or her functions in terms of this Act;

(c) intentionally furnishes the Agency with false or misleading information;

(d) has been subpoenaed under section 12 and fails or refuses, without sufficient cause, to-

(i) appear at the time and place specified in the subpoena;

(ii) remain in attendance until excused by the person presiding at the
enquiry from further attendance; or

(iii) take an oath or to make an affirmation as a witness.

38. A person convicted of an offence in terms of this Act is liable, unless different provision is specifically made, to a fine or imprisonment for a period not exceeding 15 years, or to both a fine and such imprisonment.

39. This Bill may be cited as the Social Assistance Bill, 2019.

SCHEDULE

Section 16 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

Proceedings of the Board

1.- (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its Committees.

(2) The Board shall meet whenever it is summoned by chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

2.- (1) The Board may appoint one or more Committees to carry out, on behalf of the Board such functions as the Board may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

3.- (1) The fixing of the seal of the Committee shall be authenticated by the signature of the Chairman and the Secretary to the Board.

(2) A document purporting to be a document duly executed under
the seat of the Commission shall be received in evidence and shall, unless and
until the contrary is proved, be presumed to be so executed

(3) The validity of any proceedings of the Board or of a Committee
shall not be adversely affected by-

(a) a vacancy in the membership of the Board or Committee;
(b) a defect in the appointment of a member of the Board or
Committee; or
(c) reason that a person not entitled to do so took part in the
proceedings of the Board or Committee.

(4) Notwithstanding anything contained in any other law or
enactment, no suit shall lie against any member of the Board, the Managing
Director or any other officer or employee of the Agency for any act done in
pursuance or execution of this Act or any other law or enactment, or of any
alleged neglect or default in the execution of this Act or such law or enactment,
duty or authority, shall lie or be instituted in any court unless-

(a) it is commenced within three months next after the Act, neglect or
default complained of; or

(b) in the case of a continuation of damage or injury, within six
months next after the leasing thereof.

(5) Any sum of money which by the judgment of any court has been
awarded against the Agency shall be subject to any direction given by the court,
where no notice of appeal against the judgment has been given be paid from the
fund of the Agency.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the rendering of social assistance to expectant
mothers and young persons; to provide for the process of such assistance and to
establish the Nigerian Social Assistance Agency to provide for the prospective
administration of social assistance in Nigeria.