

A BILL

FOR

AN ACT TO PROVIDE FOR THE REGISTRATION AND CONTROL OF ORPHANAGES AND OTHER INSTITUTIONS FOR THE BOARDING, CARE AND MAINTENANCE OF ORPHANS AND DESERTED CHILDREN, AND FOR PURPOSES CONNECTED THEREIN, 2015

Sponsored by Hon. Awoleye, Abiodun Dada

[] Commencement

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

1 1. Prior to or after the date of enactment, no orphanage shall be
2 established or maintained unless that orphanage has been registered under
3 this Act as hereinafter provided. Orphanages to be registered

4 2. For the purposes of this Act, there may be appointed a person, by
5 name or by Office, to be or to act as a Registrar of Orphanages for the whole
6 of Nigeria. Registrar of Orphanages

7 (2) Where a Registrar of Orphanages is appointed for the whole of
8 Nigeria any reference in this Act to the Inspector of Orphanages appointed
9 for any area shall be deemed to be a reference to the Registrar of
10 Orphanages appointed for the whole of Nigeria.

11 3.-(1) There may be appointed a person, by name or by office, to be
12 or to act as an Inspector of Orphanages for the purposes of this Act. Inspector of Orphanages

13 (2) An Inspector of Orphanages shall, in the exercise, discharge
14 and performance in any area of the powers, functions and duties vested in,
15 assigned to or imposed on him by or under this Act, be subject to the general
16 direction and control of the Registrar of Orphanages.

17 (3) No Inspector of Orphanages shall exercise or discharge any
18 power or function vested in or assigned to him by or under this Act in respect
19 of any orphanage situated outside the area for which he is appointed.

Applications for
Registration

1 4-(1) Every application for the registration of an orphanage shall:

2 (a) be made to the Inspector of Orphanages appointed for the area in
3 which the orphanage is situated, or to be situated;

4 (b) be in the prescribed form and contain the prescribed particulars;
5 and

6 (c) be signed by the Manager of the orphanage.

7 (2) Every Inspector of Orphanages shall submit every application
8 received under subsection (1) together with his report thereon, to the Registrar
9 of Orphanages, and the Registrar of Orphanages may make order granting or
10 refusing the application. The decision of the Registrar of Orphanages on any
11 such application shall be final.

12 (3) An application for the registration of an orphanage may be
13 refused:

14 (a) if the Registrar of Orphanages is not satisfied that adequate
15 provision has been made to secure that sufficient funds will be available for the
16 proper administration of the orphanage;

17 (b) if the Registrar of Orphanages is not satisfied that adequate
18 provision has been made for the proper training, education, accommodation,
19 care or maintenance of orphans or deserted children in the orphanage;

20 (c) if the Manager or any other person employed in the orphanage,
21 whether for remuneration or otherwise or whether on the staff of the orphanage
22 or as a servant therein, or is of such repute or character as, in the opinion of the
23 Registrar of Orphanages, renders him unfit to be employed in any orphanage,
24 or to be entrusted with any control over, or any duties in connection with, any
25 orphan or child; or

26 (d) in such other circumstances as may be prescribed.

Issuance of
Certificate of
Registration

27 5.-(1) Where an order has been made under section 5 for the
28 registration of an orphanage, the Registrar of Orphanages shall issue to the
29 Manager of that orphanage a Certificate of Registration which shall be in the
30 prescribed form and shall, unless previously surrendered to the Registrar of

1 Orphanages, continue in force until it is cancelled as hereinafter provided.

2 (2) No orphanage shall at any time be deemed to be registered
3 under this Act, unless a Certificate of Registration is at that time in force in
4 respect of that orphanage.

5 6. The Registrar of Orphanages may appoint any two or more
6 persons, 4 "Registrar of Orphanages" means a Registrar of Orphanages
7 appointed under section 3; by name or by office, Visitors to any
8 orphanage.

Appointment of
Visitors

9 7.-(1) The Manager of every orphanage shall, on or before
10 December 31 in each year, furnish to the Registrar of Orphanages a return in
11 the prescribed forms setting out the prescribed particulars in respect of that
12 orphanage.

Returns and
Information

13 (2) The Manager of any orphanage shall, whenever required so to
14 do by notice under the hand of the Registrar of Orphanages, furnish to the
15 Registrar of Orphanages all such information and particulars as he may
16 require in respect of that orphanage.

17 8.-(1) The Registrar of Orphanages or Inspector of Orphanages
18 may at any time enter and inspect any orphanage, and may, for the purposes
19 of such inspection, make such examination thereof as he may consider
20 necessary, including an examination into the state and management of the
21 orphanage and the condition and treatment of the orphans and deserted
22 children therein.

Inspection of
Orphanages

23 (2) Any person appointed under section 7 to be a Visitor to an
24 orphanage may exercise, in respect of that orphanage, the power conferred
25 on an Inspector of Orphanages by subsection (1).

26 9. If the Registrar of Orphanages is satisfied that the management
27 of any orphanage in that area, or the accommodation provided for, or the
28 treatment of, the orphans and deserted children therein, is such as to
29 endanger their welfare, the Registrar of Orphanages may, serve in the
30 prescribed manner on the Manager of that orphanage such general or special

Service of
Directions on
Manager of
Orphanage

1 directions with respect to the matters aforesaid, or any of them, as the Registrar
2 may think expedient for the welfare of the orphans and deserted children in the
3 orphanage; and it shall be the duty of the Manager of the orphanage to comply
4 with or give effect to any such special or general direction.

Withdrawal of
Certificate of
Registration

5 **10.** The Registrar of Orphanages shall withdraw the Certificate of
6 Registration of such Orphanages where the Manager has after three months
7 failed to comply or give effect to such general or specific directions in section
8 10.

Order of
Restoration of
Certificate of
Registration

9 **11.-(1)** A Magistrate Court on the application of any Manager of
10 Orphanage that the Certificate of Registration has been wrongly withdrawn,
11 may, after such inquiry, if any, as the court may deem necessary, issue notice on
12 the Registrar of Orphanages to show cause why the Certificate of Registration
13 issued to that orphanage should not be restored.

14 (2) If the Registrar of Orphanages or anybody authorised by him fails
15 to appear in response to any notice issued under subsection (1), or having
16 appeared, fails to show cause why the Certificate of Registration issued to that
17 Orphanage should not be restored, the court may make order restoring the
18 Certificate of Registration.

19 (3)(a) The Registrar of Orphanages may appeal against any order of
20 restoration made by a Magistrate Court under subsection (2); and any Manager
21 of an Orphanage, as the case may be, may appeal against an order whereby the
22 Magistrate Court has refused to restore the Certificate of Registration issued to
23 any orphanage;

24 (b) Every appeal under paragraph (a) shall be preferred by petition
25 within ten days of the date of the order against which the appeal is preferred;

26 (c) The Court may on any appeal under this subsection confirm, vary
27 or reverse the order of the Magistrate Court, or direct that further inquiry be
28 made or that the Manager be given a further opportunity of showing cause, or
29 may make such other order as the justice of the case may require; and at the
30 hearing of any such appeal, the procedure to be followed shall be such as the

1 Court may direct either generally or in any particular case.

2 12. Where an order is made under section 11 withdrawing the
3 Certificate of Registration of an orphanage and no appeal is preferred
4 against that order, or where the court has, on any appeal under this act,
5 confirmed the order of withdrawal or made order cancelling the Certificate
6 of Registration:

Effect of
Cancellation of
Certificate of
Registration

7 (a) any Inspector of Orphanages, appointed for the area in which
8 the orphanage is situated, or any person authorised for the purpose in writing
9 under the hand of the Registrar of Orphanages, may enter the orphanage and
10 remove the orphans and deserted children who are found therein to the
11 Children's Home, any other orphanage or to such other place as may be
12 prescribed; and

13 (b) no orphan or deserted child shall be received into such
14 orphanage which certificate has been withdrawn or be maintained therein.

15 13.-(1) The Registrar of Orphanages may establish a Children
16 Home for the reception of orphans and deserted children who are removed
17 from orphanages under the provisions of section 13(a), or who are found to
18 be homeless or without visible means of subsistence.

Establishment of
Children's Home

19 (2) All expenses incurred in the management and administration of
20 the Children's Home shall be paid out of money voted by National Assembly
21 for the purpose.

22 (3) There may be appointed a person by name or by office to be or
23 to act as the warden of the Children's Home, and such other officers and
24 servants as may be necessary for the management of the Home.

25 (4) The management and administration of the Children's Home
26 shall be under the control of Registrar of Orphanages.

27 14. It shall be the duty of the warden of the Children's Home,
28 subject to the general direction and control of the Registrar of Orphanages
29 and in accordance with regulations, to take all such steps as may be
30 necessary to provide for the care and maintenance of every orphan and

Duties of Warden
of Children's Home

1 deserted child received into the Home and to arrange for his admission into an
2 orphanage or for his return to his home or to such other place as may be
3 prescribed:

4 Provided, however, that:

5 (a) the warden shall not arrange for the admission of any such orphan
6 or deserted child into orphanage other than an orphanage for persons of the
7 religious persuasion to which the orphan or deserted child belongs; or

8 (b) any such orphan or deserted child may be retained in the
9 Children's Home until such time as he attains the age of eighteen years, if
10 arrangements cannot be made before that time for his admission into an
11 orphanage or for his return to his home or to such other place as may be
12 prescribed.

Maintenance
Grant for
Orphanages

13 **15.**-(1) Subject to the provisions of subsections (2) and (3) of this
14 section, the Inspector of Orphanages appointed for any area may from time to
15 time pay to the Manager of any registered orphanage in the area, out of moneys
16 voted by National Assembly for the purpose, a maintenance grant in respect of
17 the orphans and deserted children maintained in the orphanage.

18 (2) No maintenance grant shall be paid under subsection (1) except in
19 accordance with regulations which shall be made for the purpose of:

20 (a) prescribing the circumstances in which, and the conditions subject
21 to which, such grants may be paid; and

22 (b) fixing the amount to be paid as a maintenance grant in respect of
23 each child.

Regulations

24 **16.**-(1) The Registrar of Orphanages may make regulations for the
25 purpose of carrying out or giving effect to the principles and provisions of this
26 Act.

27 (2) Without prejudice to the generality of the powers conferred by
28 subsection (1) the Registrar of Orphanages may make regulations for or in
29 respect of all or any of the following matters:

30 (a) all matters stated or required in this Act, to be prescribed, or in

1 respect of which, regulations are authorised or required to be made under
2 this Act;

3 (b) the form of applications for the registration of orphanages and
4 the particulars to be contained in such applications;

5 (c) the form of Certificate of Registration and the form of returns to
6 be made under this Act;

7 (d) the books and registers to be kept by the Inspector of
8 Orphanages, Warden and Manager of any Orphanage and the particulars to
9 be entered therein;

10 (e) the service of all directions, orders and notices under this Act;

11 (f) the places (other than the Children's Home) to which orphans
12 and deserted children may be removed;

13 (g) the inspection of orphanages;

14 (h) the circumstances in which orphans and deserted children may
15 be admitted into an orphanage and Children's Home, their accommodation
16 and maintenance therein and their discharge therefrom;

17 (i) all matters connected with or incidental to the matters or
18 subjects specifically referred to in this subsection.

19 (3) No regulation shall have effect until it has been published in the
20 Gazette.

21 (4) Every regulation made by the Registrar of Orphanages shall,
22 upon the publication in the Gazette as provided for in subsection (3), be as
23 valid and effectual as if it were herein enacted.

24 17.-(1) Any person who:

25 (a) establishes or maintains any orphanage in contravention of any
26 provision of this Act;

27 (b) omits or refuses to furnish any return or information required to
28 be furnished under this Act;

29 (c) knowingly makes any false statement in any application or
30 return made or furnished under this Act or supplies false statement in any

1 application or return made or furnished under this Act or supplies any false
2 information under this Act;

3 (d) resists or obstructs any person in the performance of the duties
4 imposed or under this Act or in the exercise of the powers conferred on such
5 person by or in the exercise of the powers conferred on such person by or under
6 this Act or;

* 7 (e) commits a breach of any provision of this Act or of any regulation,
8 shall be guilty of an offence and shall, on conviction after summary trial before
9 a Magistrate, be liable to a fine not exceeding Fifty Thousand Naira only or to
10 three years imprisonment or to both such fine and imprisonment.

11 (2) Where any orphan or deserted child is received into or maintained
12 in any Orphanage, which has been established or is maintained in
13 contravention of any provision of this Act, the Manager of the orphanage and
14 the persons for the time being in charge of the orphanage shall individually and
15 severally be guilty of an offence and shall, on conviction after summary trial
16 before a Magistrate, be liable to a fine not exceeding Fifty Thousand Naira
17 Only or to imprisonment for a term not less than three years, or to both such fine
18 and imprisonment.

19 (3) Where the Manager of a registered orphanage is convicted under
20 subsection (1) of any offence, the court may, in addition to any other
21 punishment which it may impose for that offence, make order cancelling the
22 Certificate of Registration issued to that orphanage, and where such an order is
23 made, the provisions of section 12 shall apply in like manner as if the order was
24 made under that section.

Interpretation

25 18.-(1) In this Act, unless context otherwise requires:

26 "Certificate of Registration" means a Certificate of Registration issued by a
27 Registrar of Orphanages under section 6;

28 "Child" means a person under the age of eighteen years;

29 "Deserted child" means a child deserted by both parents, or deserted by one
30 parent, the other being dead or incapable of acting as a parent, or a child, both of

- 1 whose parents are incapable of acting as parents;
- 2 "Registrar of Orphanages" means a Registrar of Orphanages appointed
3 under section 3;
- 4 "Inspector of Orphanages" means an Inspector of Orphanages appointed
5 under section 4;
- 6 "Manager" means the person or persons responsible for the management of
7 an orphanage, and in the case of an orphanage that has not been established,
8 means the person responsible for the establishment thereof;
- 9 "Orphan" means a child, both of whose parents are dead, or one of whose
10 parents is dead, the other being incapable of acting as a parent;
- 11 "Orphanage" includes every home or other institution for the reception,
12 boarding, care or maintenance mainly of orphans or deserted children, being
13 a home or institution supported wholly or partly by voluntary contributions;
14 and which has been issued a Certificate of Registration under Section 6;
- 15 "Prescribed" means prescribed by regulation;
- 16 "Registered" means registered under this Act;
- 17 "Regulation" means a regulation made by the Registrar of Orphanages
18 under section 17;
- 19 "Warden" means the person responsible for the management of a Children
20 Home;
- 21 "Children's Home" means a home for the reception of orphans and deserted
22 children who are removed from orphanages or who are found to be homeless
23 or without visible means of existence.
- 24 (2) For the purposes of this Act a person shall be deemed to be
25 incapable of acting as a parent if such person:
- 26 (a) is under sentence of imprisonment;
- 27 (b) has been adjudged by a competent court to be of unsound mind;
- 28 (c) is permanently bedridden or disabled and is an inmate of a
29 hospital or of any institution for the reception and maintenance of such
30 persons.

Short title

1

19. This Act may be cited as the Orphanages Bill, 2015.

EXPLANATORY MEMORANDUM

(This note does not form part of the Bill but intends to explain it)

This Bill seeks to provide for an Act to provide for the registration and control of Orphanages and other institutions for the Boarding, Care and Maintenance of Orphanages and Deserted Children and for Purposes Connected Therein, 2015.