

[H.B. 15.12.324] NATIONAL SOCIAL SECURITY AND
WELFARE BOARD BILL, 2015

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL SOCIAL SECURITY AND WELFARE BOARD AND VEST IT WITH THE RESPONSIBILITY FOR THE CONTROL AND ADMINISTRATION OF BENEFITS AND ASSISTANCE TO ENHANCE THE WELFARE OF CITIZENS, ESPECIALLY DISADVANTAGED PERSONS, PARTICULARLY CHILDREN, WOMEN, THE HANDICAPPED, THE SICK, THE AGED AND THE UNEMPLOYED

Sponsored by HON. LYNDA CHUBA IKPEAZU

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Commence-
ment.

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

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PART I — PRELIMINARY

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1. This Act may be cited as the National Social Security and Welfare Board Bill, 2015.

2. In this Act —

“Benefits” means the Social Welfare benefits, grants, incentives and assistance accruing to the beneficiaries;

“Board” means the National Social Security and Welfare Board;

“Member” means a member of the Governing Council of the Board;

“Minister” means the Minister in charge of the ministry of labour and productivity

PART II — ESTABLISHMENT OF THE NATIONAL SOCIAL SECURITY BOARD

3.—(1) There is established a body to be known as the National Social Security Board (hereinafter in this Act referred to as “the Board”) which shall have the functions and powers conferred on it by this Act.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its

Short Title.

Interpretation.

Establishment
of the
National
Social
Security
Board.

1 corporate name.

2 PART III -- FUNCTIONS AND POWER OF THE BOARD

Functions of
the Board.

3 4. The functions of the Board shall be to --

4 (a) control and administer benefits, incentives or compensate or
5 assist the following disadvantaged persons --

6 (i) children,

7 (ii) women,

8 (iii) physically challenged

9 (iv) the aged, not being less than 65 years of age who were
10 previously in gaining public or organized private employment or
11 reasonable occupation, and

12 (v) unemployed who possesses university degree(s) or its
13 equivalent and had applied for employment but their applications
14 were rejected on account of no vacancy or people retrenched
15 from their places of work;

16 (b) support indigent, orphaned, abandoned, neglected or abused
17 children or children engaged in premature or forced labour.

18 (c) give maternal support to women with children or pregnancy,
19 especially in case of indecency, abuse, neglect, widowhood and
20 unemployment;

21 (d) give old-age support to persons of advanced years, not being
22 less than sixty-five and must have been previously in gainful public
23 or private employment or reasonable occupation; and

24 (e) give miscellaneous support as may be determined by the
25 Council for enhancement of the welfare of citizens, in particular,
26 the disadvantaged.

Powers of
the Board.

27 5. The Board shall have power to --

28 (a) determine the beneficiaries of the social security benefits,
29 taking into consideration available resources and equity;

30 (b) administer and monitor the benefit;

31 (c) formulate policies and criteria for determining persons entitle

1 to the benefits:

2 (d) undertake studies and make recommendations and implement,
3 the most effective methods for providing social and health insurance
4 plans for citizens covered by this act and for administering all the
5 benefits it is mandated to provide:

6 (e) acquire, hold, manage, and alienate liquid or fixed assets:

7 (f) delegate any of its function to any of its agents or operatives:

8 (g) decline being subjected to the authority, direction or control
9 of any office other than that of the President in the discharge of its
10 statutory duties; and

11 (h) do anything that may be necessary to facilitate the carrying
12 out its functions.

13 **PART IV — ESTABLISHMENT AND COMPOSITION OF GOVERNING COUNCIL.**

14 **6.—(1) There is established an executive body to be known as the**
15 **Governing Council for the National Social Security Board.**

Establishment
of the
Governing
Council of
the Board.

16 (2) The head office of the Governing Council shall be in Abuja.

17 (3) The Council shall establish, in each capital of the state of the
18 Federation, a branch office of the Board.

19 **7. The Council shall consist of —**

Composition
of the
Council.

20 (a) a chairman

21 (b) a representative of each State of the Federation;

22 (c) a representative of the Federal Ministry of Labour and
23 Productivity;

24 (d) a representative of the Federal Ministry of Health;

25 (e) a representative of the Federal Ministry of Women's Affairs;

26 (f) a representative of the Federal Ministry of Sports and Youth
27 Development;

28 (g) a representative of the Federal Ministry of Finance;

29 (h) a representative of the National Bureau of Statistics;

30 (i) an Executive Secretary.

31 **8.—(1) The Chairman and Members of the Council shall be**

Appointment.

	1	appointed by the President of the Federal Republic of Nigeria Subject
	2	to the confirmation of the Senate.
	3	(2) Membership of the Council shall be of part-time status.
	4	(3) The Executive Secretary shall be of full-time status.
Schedule.	5	9. The supplementary provisions set out in the schedule to this
	6	Act shall apply to the procedures of meetings of the council.
	7	PART V — TENURE AND CESSATION OF COUNCIL MEMBERSHIP
Tenure of Office.	8	10. Subject to the provisions of section 12, the Chairman and
	9	members of the Council shall each hold
	10	(a) for a term of 4 years and may be re-appointed for a further
	11	term of 4 years and no more; and
	12	(b) on such terms and conditions as may be specified in his letter
	13	of appointment.
Cessation of membership of the Council.	14	11. A person shall cease to hold office as a member of the Council
	15	in the occurrences of any of the following —
	16	(a) he dies
	17	(b) he becomes bankrupt;
	18	(c) he is convicted of a felony or any offence involving dishonesty
	19	or fraud;
	20	(d) he becomes of unsound mind or is incapable for any reason of
	21	carrying out his duties
	22	(e) he is guilty of a serious misconduct in relation to his duties;
	23	(f) in the case of a person possessed of professional qualification,
	24	he is disqualified or suspended, other than at his own request, from
	25	practicing his profession in any part of the world by an order of a
	26	competent authority made in respect of that member; or
	27	(g) he resigns his appointment by a written notice under his hand
	28	to the President.
Replacement of the member.	29	12. Where a member ceases to hold office for any reason before
	30	the expiration of his term, another person representing the same
	31	interest as that member shall be appointed in his place.

1	13. The President may remove a member if he is satisfied that is	Removal of
2	not in the interest of the Board or the public that the member continues	a member.
3	in office.	
4	14. A member of the Council shall be paid such allowances and	Remuneration
5	expenses as may be determined by the Revenue Mobilization, Allocation	of the
6	and Fiscal Commission.	member.
7	15. The Council shall have power to —	Powers of
8	(a) manage and superintend the affairs of the Board;	the Council.
9	(b) make rules and regulation for the proper functioning of the	
10	Board;	
11	(c) employ and pay the staff of the Board appropriate	
12	remuneration, commensurate in scale with that of staff in	
13	organization of similar stature; and.	
14	(d) enter into any negotiations, agreement and contractual	
15	relationship such as may be necessary or expedient for the discharge	
16	of the functions of the Board.	
17	PART VI — STAFF OF THE BOARD	
18	16. There shall be an Executive Secretary for the Board, who	Executive
19	shall be appointed by the President.	Secretary.
20	17. The Executive Secretary shall be —	Functions of
21	(a) the Chief Executive and accounting officer of the Board;	the
22	(b) responsible to the Council for the Execution of the policies	Executive
23	and the administration of the daily affairs of the Board.	Secretary.
24	18. The Executive Secretary shall be appointed for a term of five	Tenure of
25	years in the first instance and may be appointed for a further term of	Office.
26	5 years and no more.	
27	19. The Executive Secretary shall be paid such remuneration as	Remuneration
28	may be contained in his letter of appointment or as will be determined	of Executive
29	by the Revenue Mobilization, Allocation and Fiscal Commission.	Secretary.
30	20. The Executive Secretary shall cease to hold office if any of	Cessation of
31	the conditions contained in section 12 pertaining to members of the	Office.

	1	Council.
Resignation of Appointment. Secretary.	2	21. The Executive Secretary may resign his appointment by a
	3	written notice under his hand delivered to the President.
	4	22. The Council shall appoint for the Board, a secretary who
	5	shall —
	6	(a) be a legal practitioner and is qualified for a period of no less
	7	than 10 years;
	8	(b) keep records and conduct correspondence of the Board;
	9	(c) perform such other functions as the Council or the Executive
	10	Secretary may direct.
Other Staff.	11	23. The Council shall appoint for the Board such member of
	12	employees as may in the opinion of the Council be expedient and
	13	necessary for the proper efficient performance of the functions of the
	14	Board and pay them remuneration and allowances as it determines.
Direct Appointment.	15	24.— (1) Notwithstanding the provisions of section 22 and 23, the
	16	Council shall have power to appoint for the Board either directly or on
	17	secondment from any public services of the Federation, such number
	18	of employees as may in the opinion of the Council be required to assist
	19	the Board in the discharge of any of its functions under this Act.
	20	(2) The person seconded under this section may elect to be
	21	transferred to the services of the Board and any previous service he
	22	may have rendered in the public service shall count as service to the
	23	Board for the purpose of any pension subsequently payable by the Board.
Departments.	24	25. There shall be established in the head office of the Board the
	25	following Departments —
	26	(a) Finance and Personnel Management;
	27	(b) Planning, Research and Statistics;
	28	(c) Monitoring and Evaluation; and
	29	(d) Legal Services.
Service in Commission.	30	26.— (1) Service in the Commissions shall be approved service
	31	for the purposes of the Pension.

1 (2) The officers and other persons employed in the Commission
2 shall be entitle to pension, gratuities and other retirements benefits as
3 are enjoyed by persons holding equivalent ranks in the Civil Service of
4 the Federation.

5 (3) Nothing in subsection (1) and (2) of this section shall prevent
6 the appointment of a person to any office on terms which preclude the
7 grant of pension and gratuity in respect of that office.

8 (4) For the purposes of the application of the provisions of this
9 Act, and power exercisable thereunder by the Minister or other
10 authority of the Government of the Federation, other than the power
11 to make regulations Board of the Commission.

12 PART VII — FINANCIAL PROVISIONS

13 27.—(1) The Board shall establish and maintain a fund to which
14 all monies accruing to it shall be paid into from which shall be defrayed
15 all expenditure incurred by the Board.

Funds of the
Board.

16 (2) The funds of the Board shall consist of —

17 (a) annual Appropriation in the Federal Budget, being not less
18 5% of the Consolidated Revenue Fund of the Federation;

19 (b) 5% of Statutory subventions from each of the State
20 Government;

21 (c) social security tax on personal and corporate income, equal
22 to some percentage of such income;

23 (d) sums accruing to the board by way of donations, gift, grants
24 endowments, bequest or otherwise;

25 (e) interest and revenue accruing from savings and investments
26 made by the Board;

27 (f) loans, which may be required from time to time for the objects
28 of the Board, provided that the Board shall not, without the prior
29 approval of the President, borrow money in excess of one million
30 Naira, or as may be determined from any other sources.

31 28.—(1) The Director, Federal Board of Internal Revenue shall

Sale of
stamps

1 furnish to the Post-Master-General without pre-payment, a suitable
2 quantity of stamps, coupons, books, tickets or other devices prescribed
3 by the Director for the collection or payment of any tax imposed by
4 this Act, to be distributed and kept on sale by all post offices.

5 (2) Whoever buys, sells, offers for sale, uses, transfers or gives
6 in exchange or pledges excepts as authorized in the Act or in regulations
7 made pursuant thereto, any stamp, coupon, ticket, book or other devices
8 prescribed by the Director of Internal Revenue, commits an offence
9 and is liable on conviction to a fine not exceeding N2,000 or
10 imprisonment term of not more than 3 months.

Budgetary
estimates.

11 29. The Council shall, not later than 30th September of each
12 year, submit to the National Assembly, through the Ministry, an
13 estimate of the projected expenditure of the Board during the next
14 succeeding year and shall include a copy of the audited accounts of
15 that year and a copy of the auditor's report.

Gift to the
Commission.

16 30.—(1) The Board may accept gifts of money, land or other
17 property on such terms and conditions, if any, as may be specified by
18 the person or organization making the gift.

19 (2) The Commission shall not accept gift if the conditions attached
20 thereto are inconsistent with the functions of the commission under
21 this Act.

Expenditure
and account.

22 31. The Council shall approve any expenditure of the Board and
23 shall —

24 (a) issue proper accounts and of transactions and affairs of the
25 Board and ensure that all expenditure is dully authorized;

26 (b) prepare in respect of each financial year, a statement of
27 account in such form as the Auditor General may direct.

Audit and
Account.

28 32. The Auditor-General of the Federation shall —

29 (a) inspect and audit the accounts of the financial transactions of
30 the Board;

31 (b) inspect records relation to assets of the Board; draw the

1 attention of the ministry to any irregularity discerned by the
2 inspectors and auditors.

3 **33.** The Auditor-General of the Federation or any officer who is
4 authorized by him, is entitled at all reasonable times, to a full and free
5 access to all accounts, records, documents and papers of the Board
6 relation directly or indirectly to the receipt or payment of money by
7 the Board or to the acquisition receipt, custody or disposal of assets of
8 the Board.

Auditor-
General.

9 **PART VIII — MISCELLANEOUS PROVISIONS**

10 **34.—(1)** For the purposes of providing offices and premises
11 necessary for the performance of its functions under this Act, the
12 Board may, subject to the Land Use Act —

Acquisition
of Land or
interest in
land for
office use.

13 (a) purchase or lease, any interest in land, other property; and

14 (b) construct offices and premises, equip and maintain them,

15 (2) The Commission may, subject to the Land Use Act, sell or
16 lease out any Land required for the performance of its functions under
17 this Act.

18 **35.—(1)** The provision of the Public Officers' Protection Act shall
19 apply in relation to any suit instituted against any officer or employee
20 of the Board in his capacity as such.

Legal
Proceedings
against the
Board, Cap.
379.

21 (2) No suit shall be commenced against a member of the council
22 or the Executive Secretary or any officer or employee of the Board in
23 that capacity before the expiration of a period of one month after writing
24 a notice of intention to commence the suit which shall have been served
25 upon the Board by the intending plaintiff or his agent.

26 (3) The notice referred to in subsection (2) shall state the cause
27 of action, particulars of claims, the name and place of abode of the
28 intending plaintiff and the relief, which he claims.

29 (4) A notice, summons or other documents required or authorized
30 to be served upon the Board under the provision of the Act or any other
31 law or enactment may be served by delivering it to the Executive

	1 Secretary at the Head office of the Board.
Restriction on Execution against property of the Board.	2 36. —(1) No execution or attachment of processes shall be issued 3 against the Board in any action or suit without the consent of the Attorney- 4 General of the Federation. 5 (2) Any sum of money which may by the judgment of any court be 6 awarded against the Board shall, subject to any direction given by the 7 court where notice of appeal of the said judgement has been given, be 8 paid from the general reserved fund of the Board.
Indemnity of officers.	9 37. A member of the council, the Executive Secretary, any officer 10 or employee of the Board, shall be indemnified out of the assets of the 11 Board against any proceeding, whether civil or criminal, in which 12 judgement is given in his favour or in which he is acquitted, if any such 13 proceeding is brought against him in his capacity as a member, Executive 14 Secretary or officer or employee of the Board.
Service of documents.	15 38. A notice, summons or other documents required or authorized 16 to be served upon the Board under the provisions of this Act or any 17 other law or enactment may be served by delivering it to the executive 18 Secretary or by sending it by registered post and addressed to the 19 Executive Secretary at the Principal office of the Board.
Penalty.	20 39. Whoever makes any false statement as to any material fact in 21 respect of any payment under this Act, knowing or having reason to 22 believe that, that statement is false, commits an offence and is liable on 23 conviction to a fine not exceeding 50,000 or imprisonment term of not 24 more than 4 years.
Regulation.	25 40. The Minister may make regulations generally for the purpose 26 of carrying out or giving effect to the provisions of this Act.

SCHEDULE

Section 10

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

Proceedings of the Council. Cap. 123 LFN, 2004

1.—(1) Subject to this Act and Section 37 of the Interpretation Act, the Council may make a standing order regulating its proceeding or those of any of its committees.

(2) The quorum of the Council shall be the chairman or the person presiding at the meeting and 5 other members of the Council.

Meeting

2.—(1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(3) Where the Council desires to obtain the advices of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not Count towards a quorum.

Committees

3.—(1) The Council may appoint one or more committees to carry out, on behalf of the Council such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consider such number of persons as be determined by the Council and a person shall hold office in the committee in accordance with the term of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council

Miscellaneous

4.—(1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other member of the Council generally or specifically authorized by the Council to act for that purpose and the Executive Secretary.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be executed on behalf of the Board by the Executive Secretary or any person generally or specifically authorized by the Council to act for the purpose.

(3) A document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be executed

(4) The validity of any proceedings of the Council or of a Committees shall not be adversely affected by—

(a) a vacancy in the membership of the Council or the Committee

(b) a defect in the appointment of a member of the council or Committee; or

(c) reason that a person in not entitle to do so took part in the proceedings of the Council or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Social Security Board and to vest it with the responsibility to administer and control welfare benefits in respect of citizens, especially