

A BILL

FOR

AN ACT TO PROTECT THE ELDERLY AND VULNERABLE PERSONS, WHO LACK REASONABLE MENTAL AND PHYSICAL CAPACITY, TO GUARD AGAINST FINANCIAL ABUSE AND FOR RELATED MATTERS, 2016

Sponsored by Hon. Eritan Dolapo Badru

[] Commencement

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

1 1.-(1) It shall be an offence under this Act to:

Offences against
Vulnerable Person

2 (a) use an elderly person's confidential financial information and
3 funds for unauthorised self-gain; or

4 (b) Unlawfully access and use assets of an elderly person, or other
5 vulnerable persons, a person guilty under this sub-section, shall be liable on
6 conviction on indictment to a fine not less than N1,000,000.00.

7 (2) It shall be an offence under this Bill to:

8 (a) dishonestly or forcibly take the financial belongings of an
9 elderly person, or other vulnerable persons without their permission or
10 consent;

11 (b) intentionally cause bodily harm and emotional distress or
12 failing to provide physical support due to not purchasing the required
13 disability support equipment; or

14 (c) intentionally administer or prescribe medication in order to take
15 control of an elderly person, or other vulnerable person's financial
16 belongings by being given custody, a person guilty under this subsection,
17 shall be liable on conviction on indictment to a fine not less than
18 N1,000,000.00.

19 (3) It shall be an offence under this Bill to:

20 (a) force changes to a will or other legal document,

1 (b) deny an elderly person, or other vulnerable persons the right to
2 access their personal funds,

3 (c) forge signatures and make a false instrument/statement with the
4 intention that it shall be used to induce another person to accept it as genuine
5 and, by reason of so accepting it to do some act, or to make some omission, to
6 the prejudice of the elderly person, or other vulnerable persons,

7 (d) authorise the payment of money or delivery of any property, with
8 the intention of making a gain for himself or herself or another, or causing loss
9 to an elderly person, or other vulnerable persons,

10 (e) intentionally misappropriate or improperly or illegally convert
11 money or other valuable possessions,

12 (f) a person who dishonestly with the intention of making a gain for
13 himself or herself or another, or of causing loss to the elderly person, or other
14 vulnerable persons, by any deception procures the execution of valuable
15 security is guilty of an offence, or

16 (g) Any person who abets, aids and counsels or authorises the
17 payment of money or delivery of any property, with the intent of making a gain
18 for himself or herself or another, will be held equally accountable as the same
19 persons in the above Sub-Sections.

20 (4) Paragraphs (d), (e) and (f) of subsection (3) of this Bill, shall apply
21 in relation to:

22 (a) the making, acceptance, endorsement, alteration, cancellation or
23 destruction in whole or in part of a valuable security, and

24 (b) the signing or sealing of any paper or other material in order that it
25 may be made to or converted into, or used or dealt with as, a valuable security,
26 as if that were the execution of a valuable security. In this section, "valuable
27 security" means any document creating, transferring, surrendering or releasing
28 any right to, in or over property of an elderly person, or other vulnerable
29 persons, a person guilty of any of the above offences shall be liable on
30 conviction to a fine not less than N1,000,000.00 and/or imprisonment for a

1 term not less than 3 years.

2 2. The Minister may:

Orders and
Regulations

3 (a) by regulations provide, for any matter referred to in this Act as
4 prescribed or to be prescribed, and

5 (b) in addition to any other power conferred on him or her to make
6 regulations, make regulations generally for the purposes, and for the
7 purpose of giving full effect to this Bill.

8 3. In this Bill:

Interpretation

9 “Elder abuse” means an intentional act that could reasonably be expected to
10 result in physical or psychological injury to an elderly person, or other
11 vulnerable persons; “Financial abuse” means interfering with the financial
12 autonomy and wellbeing of a vulnerable person, which involves a person
13 knowingly by deception or intimidation, obtaining or using, or
14 endeavouring to obtain or use an elderly person, or other vulnerable persons
15 funds, assets or property with the intent to temporarily or permanently
16 deprive the elderly person, or other vulnerable persons of the use, benefit or
17 possession of the funds, assets or property, or to benefit someone other than
18 the elderly person, or other vulnerable persons;

19 “Vulnerable person” means a person, other than a child, who:

20 (a) is suffering from a disorder of the mind, whether as a result of
21 age, mental illness, or any form of accident, or physical disability,

22 (b) is suffering from a physical impairment, whether as a result of
23 injury, illness or age, or

24 (c) has a physical disability, which is of such a nature or degree:

25 (i) as to restrict the capacity of the person to guard himself or
26 herself against harm by another person, or

27 (ii) that the person is incapable of adequately providing for his or
28 her own health or personal care.

29 “Elderly person” means a person who is 65 years of age and above.

Short Title

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4. This Bill may be cited as the Vulnerable Persons Bill, 2016.

EXPLANATORY NOTE

This Bill Seeks to Protect the Elderly and Vulnerable Persons, who lack Reasonable Mental and Physical Capacity, to Guard against Financial Abuse and so on.