

# 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 Senator Rilwan Akanbi*

[ ] Commencement

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

### PART I - PRELIMINARY

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1. This Bill may be cited as the Socially Displaced Persons Bill, 2016.

Citation

2. In this Act, unless the context otherwise requires:  
"assessment centre" means a centre established under section 13 for the assessment, evaluation, and treatment of socially displaced persons;  
"Board" means the Social Displacement Board appointed by the Minister under section 8;  
"care centre" means any house, home or facility approved as such under section 19 for the reception of socially displaced persons who are in need of care and treatment;  
"court" means a court of summary jurisdiction;  
"Director" means the Executive Director of the Social Displacement Unit;  
"Field Officer" means a person responsible for the initial assessment of a socially displaced person before he is admitted to an assessment centre;  
"Manager" means a person having the management or control of an assessment centre or care;  
"Minister" means the Minister to whom is assigned the responsibility for Social Development;  
"public place" includes any place to which the public is admitted with or

Interpretations

- 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 public
- 4 place whether or not he is begging and who by reason of illness or otherwise is
- 5 unable to maintain himself, or has no means of subsistence or place of
- 6 residence, is unable to give a satisfactory account of himself and causes or is
- 7 likely to cause annoyance or damage to persons frequenting that public place,
- 8 or otherwise to create a nuisance.

9 PART II - SOCIAL DISPLACEMENT UNIT

10 3. The Minister shall establish a Social Displacement Unit

11 (hereinafter referred to as "the Unit") for the assessment, relocation, care and

12 rehabilitation of socially displaced persons.

13 4. The Unit shall be responsible for:

14 (a) co-ordinating and monitoring of the voluntary and involuntary

15 removal of socially displaced persons from the streets and other public places;

16 (b) co-ordinating and monitoring of activities pertinent to the

17 rehabilitation of socially displaced persons;

18 (c) identifying the factors that lead to social displacement and

19 implementing educational and other programmes aimed at preventing an

20 increase in the population of socially displaced persons;

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

22 displaced;

23 (e) the establishment of the Social Displacement Fund;

24 (f) advising and making recommendations to the Board on all other

25 matters pertaining to the care of the socially displaced and such other matters as

26 the Minister may refer to

27 5. The staff of the Unit shall include the following persons:

28 (a) an Executive Director;

29 (b) an Executive Assistant;

30 (c) a Social Work Specialist;

- 1 (d) a Psychologist;
- 2 (e) a Medical Doctor;
- 3 (f) a Registered Nurse;
- 4 (g) two Social Workers;;
- 5 (h) one Research Officer;
- 6 (i) one Clerk Typist I;
- 7 (j) a Psychiatrist;
- 8 (k) a Field Officer.

9 6.-(1) A Social Displacement Fund (hereinafter referred to as "the  
10 Fund") is hereby established for the purposes of this Act.

11 (2) The purpose of the Fund is to finance social displacement  
12 projects as are identified by the Unit.

13 (3) The resources of the Fund shall consist of:

- 14 (a) any monies that may from time to time be appropriated by the  
15 National Assembly;
- 16 (b) contributions from corporate and individual citizens;
- 17 (c) contributions from regional and international agencies; and
- 18 (d) all other sums of money that may in any manner become  
19 payable to or vested in the Fund.

20 (4) The accounts of the Fund shall be audited annually by the  
21 Auditor General.

### 22 PART III - SOCIAL DISPLACEMENT BOARD

23 7.-(1) A Social Displacement Board (hereinafter referred to as "the  
24 Board") is hereby established for the purposes of this Act.

25 (2) The Board shall consist of a Chairman and eleven other  
26 members all of whom shall be appointed by the Minister.

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

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

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

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

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

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

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

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

8 (f) a qualified accountant;

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

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

13 (7) The Chairman of the Board shall preside at all meetings of the  
14 Board.

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

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

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

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

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

28 8. The Unit shall provide Secretarial Services to the Board.

29 9.-(1) There shall be a seal of the Board which shall be kept in the  
30 custody of the Chairman and may be affixed to instruments pursuant to a

1 resolution of the Board in the presence of the Chairman and one other  
2 member and the Secretary.

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

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

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

11 10.-(1) The Board shall meet at least once a month and at such other  
12 times as may be necessary or expedient for the transaction of business. The  
13 meetings shall be held at a place and time to be determined by the Board.

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

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

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

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

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

25 11.-(1) The Board shall be responsible for:

26 (a) the overall policy and direction of the Unit;

27 (b) the management of the Social Displacement Fund; and

28 (c) assisting the Unit in the attainment of the objectives of the Unit.

29 PART IV - ASSESSMENT AND CARE CENTERS

30 12.-(1) The Minister shall establish assessment centres and may by

1 order designate an existing facility to be an assessment centre

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

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

7 **13.** A socially displaced person may voluntarily seek admission to an  
8 assessment centre and if he is admitted to that centre he shall be required to  
9 abide by the conditions of admission imposed by this Act or any regulations  
10 made under this Act.

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

15 **15.-(1)** Where upon receipt of the Report referred to in section 5 the  
16 unit is satisfied that all efforts to persuade the person named in the Report to be  
17 admitted to an assessment centre have failed, the unit shall make an application  
18 in the prescribed form to the court for an order to admit that person to the centre.

19 (2) Where the court is satisfied on the evidence presented that a person  
20 named in that application is a socially displaced person, the court shall make an  
21 order requiring that person to be admitted to an assessment centre.

22 (3) The person referred to in subsection (1) shall be served with a copy  
23 of the Order referred to in subsection (2) and the field officer shall advise him  
24 that he is entitled to legal aid in accordance with the Legal Aid Act.

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

27 (a) issued in accordance with section 42 and

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

30 **16.** The procedure governing the making of courts application shall

1 apply mutatis mutandis to the making of an application for an Order under  
2 this Act.

3 17.--(1) Where the court makes an order under subsection 16(2), the  
4 Unit shall arrange for a field officer to remove the socially displaced person  
5 named in the order in a humane manner, and in such a way that his dignity is  
6 preserved.

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

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

13 18.--(1) The Minister may, subject to this Act, issue a certificate  
14 approving the use of any house or home as a care centre authorising the  
15 person named in the certificate to admit a socially displaced person for care  
16 and treatment as:

- 17 (a) an urgent admission;  
18 (b) a voluntary admission; or  
19 (c) a medically recommended person.

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

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

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

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

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

28 (5) A certificate shall not be issued or renewed unless the house, its  
29 location with regard to the neighbouring premises and its proposed facilities  
30 and equipment adhere to the standards of care as established by the Unit and

1 the Minister is satisfied as to the character and fitness of the applicant.

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

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

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

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

12 20.-(1) Where a person has been admitted into an assessment centre in  
13 accordance with the provisions of this Act, the Centre shall undertake an initial  
14 assessment at the time of admission.

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

19 (a) a mental institution;

20 (b) a medical institution;

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

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

24 21. Every person admitted to a care centre shall be the responsibility  
25 of the Manager of the centre.

26 22. The Unit shall review the case of each resident of a care centre on  
27 a monthly basis to assess his suitability for discharge from the centre.

28 23. The Unit shall have the power to recommend that any resident  
29 may be discharged from a care centre either conditionally or unconditionally.

30 24.-(1) A relative or friend who is willing and able to provide for a



1 socially displaced person who is being cared for at a care centre, may apply  
2 to the Director to have that person placed under the care and control of that  
3 relative or friend.

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

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

11 25.-(1) A person residing in a care centre may be required to engage  
12 in any suitable work, for which the Unit certifies him to be capable, either  
13 with a view to fitting him for employment outside of the care centre or with a  
14 view to his contributing to his maintenance in the care centre.

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

18 26. A person residing in a care centre may, if so directed by the  
19 Unit, be transferred to a hospital or other medical institution for treatment,  
20 and shall be deemed to be a resident of the care centre while receiving such  
21 treatment.

22 27. The Unit may transfer a person residing in a care centre to  
23 another care centre.

24 28. Where upon investigation, a Field Officer determines that a  
25 person:

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

28 (b) having obtained permission from the Manager, leaves a care  
29 centre for a limited time or for a specified purpose and fails to return at the  
30 expiration of that time or when that purpose has been accomplished and

1 without reasonable excuse returns to street life, commits an offence and is  
2 liable on summary conviction to imprisonment for a term not exceeding one  
3 month.

4 **29.** A person residing in a care centre who:

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

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

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

Arrest without  
a warrant

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

Return to care  
centre after  
serving sentence

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

Regulations

18 **32.** The Minister may make regulations for the purpose of giving  
19 effect to the provisions of this Act and in particular for:

20 (a) prescribing anything that is required to be prescribed by this Act;

21 (b) governing the issue or withdrawal of a certificate;

22 (c) prescribing the fees payable in respect of the issue or renewal of a  
23 certificate;

24 (d) prescribing the constitution and functions of the Unit;

25 (e) regulating the management of assessment and care centres and the  
26 admission of persons to these centres;

27 (f) the care, control and rehabilitation of persons residing in care  
28 centres;

29 (g) prescribing the forms to be used for the purpose of this Act; and

30 (h) prescribing standards of care.

## EXPLANATORY MEMORANDUM

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

