

AGED PERSONS WELFARE AGENCY BILL, 2018

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# A BILL

## FOR

AN ACT TO ESTABLISH THE AGED PERSONS WELFARE AGENCY WHICH WILL BE FUNDED WITH FROM STATUTORY ALLOCATIONS FROM THE NATIONAL BUDGET, 1% OF THE MONEY ACCRUING FROM PROFIT AFTER TAX OF ALL REGISTERED PENSION FUND ADMINISTRATORS IN NIGERIA AND BY DONATIONS, GIFTS BEQUESTS ETC FROM INDIVIDUALS AS WELL AS CORPORATE ORGANISATIONS AND FOR RELATED MATTERS

*Sponsored by Senator Suleiman Othman Hunkuyi*

[ ] Commencement

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

1           1.-(1)There is established an Agency to be known as the Aged  
2           Persons Welfare Agency (in this Bill referred to as "the Agency").

Establishment  
of the Aged Persons  
Welfare Agency .

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

6           (b) may acquire, hold, mortgage, purchase and deal with property,  
7           whether movable or immovable.

8           2. The Agency shall:

Functions of the  
Agency

9           (a) provide for necessary medical healthcare and upkeep to needy  
10          aged persons;

11          (b) ensure the preservation of the dignity and human respect due to  
12          aged persons;

13          (c) to ensure the living condition of aged persons is enhanced  
14          through the provision of life saving incentives and interventions;

15          (d) to ameliorate the hardship encountered by families who are  
16          burdened to care for Aged Persons.

Qualification 1 3.-(1) No person shall qualify as an Aged Person under this Bill until:  
2 (a) he is a Nigerian citizen;  
3 (b) he has attained the age of 75.  
4 (2) without Prejudice to subsection (1) of this section no aged person  
5 shall qualify to benefit as an aged person under the Bill until such aged person  
6 is duly certified as qualified by a panel especially constituted for that purpose.  
7 (3) no aged person who is a beneficiary of a welfare package of any  
8 State or Local Government, or other Federal Department may benefit under  
9 this Act:  
10 Provided that the maximum number of aged persons to benefit from  
11 the Agency, as encapsulated in the provision of this Bill shall not exceed 100  
12 aged persons in each State of the Federation as well as the Federal Capital  
13 Territory at take off.

Financial Provisions

14 4.-(1) There shall be established for the agency, a Fund from which  
15 shall be defrayed for the use of the Agency.  
16 (2) statutory budgetary allocations, payment of 1% of the profit after  
17 tax of all registered Pension Fund Administrators, as well as donations, gifts,  
18 bequests etc shall be paid into the Fund.  
19 (3) at the point of payment of any moneys, gifts, or donations, the  
20 Agency shall take records, in such form as the Board shall approve, a return  
21 showing:  
22 (a) the name of the Pension Fund Provider, individual, or corporate  
23 organisation making the payment, gift, bequest or donation as the case may be;  
24 (b) the amount of money, description of chattel or other thing  
25 collected as the case may be; and  
26 (c) such other information as may be required by the Agency, for the  
27 proper administration of the revenue.  
28 (4) The Agency shall, before disbursement of the amount in the Fund  
29 for the welfare of the Aged Persons, set aside in each year, an amount not  
30 exceeding 5% of the total monies accruing to the Agency in the preceding year

1 which shall be applied-

2 (a) for the cost of administration and management of the Agency;

3 (b) for the maintenance of any property acquired by or vested in the  
4 Agency and generally to pay for services rendered to the Agency;

5 (c) for project monitoring; and

6 (d) to meet all the needs of the Agency necessary for the due  
7 administration and implementation of the purpose of this Bill.

8 (5) the Agency may from time to time, apply the proceeds of the  
9 fund for such purpose under this Bill.

10 (6) The Board may, subject to the provisions of this Bill, make  
11 regulations for the operation of the Bill; the regulations shall in particular,  
12 contain provisions-

13 (a) specifying the manner in which the assets of the Agency are to  
14 be held and regulating the making of payment into, or out of the Agency; and

15 (b) requiring the keeping of proper accounts and records for the  
16 purpose of the Agency in such form as may be specified in the regulation.

17 (7) the Board shall not later than 31st October submit to the  
18 minister, an estimate of its expenditure and income during the next  
19 succeeding year.

20 (8) the Agency may accept gifts of real property or chattels,  
21 moneys or any other property upon such terms and conditions, if any, as may  
22 be specified by the person or organisation making the gift.

23 (9) provided that the Agency shall not accept any gift or donation if  
24 the conditions attached by the person or organisation making the gift are  
25 inconsistent with the objectives of the Agency under the Bill.

26 5.-(1) there is established for the Agency a Board of Trustees (in  
27 this Bill referred to as "the Board") which shall consist of-

Establishment  
of the Board of  
Trustees

28 (a) a Chairman, who shall-

29 (i) be a person with good knowledge in finance and administrative  
30 matters;

1 (ii) have the requisite qualifications and experience as are required  
2 perform the functions of the office;

3 (b) six persons, each of which shall represent one of the geo-political  
4 zones in the country;

5 (c) a representative from the following Ministries who shall not be  
6 below the rank of a Director-

7 (i) Health,

8 (ii) Women Affairs, and

9 (iii) Finance;

10 (iv) Interior;

11 (d) the Executive Secretary, who shall be the Secretary to the Board.

12 (2) The members of the Board shall-

13 (a) be persons with considerable experience from both the public and  
14 private sector;

15 (b) be appointed by the President;

16 (c) each member of the Board shall hold office for a term of 4 years in  
17 the first instance and may be eligible for reappointment for a further term of 4  
18 years and no more; and

19 (d) be paid such remuneration and allowances as the Revenue  
20 Mobilisation and Fiscal Commission may, from time to time determine.

21 (3) The Board of Trustees shall meet for the conduct of its ordinary  
22 meetings at least 4 times in a calendar year.

23 (4) Notwithstanding the provision of sub clause (3), the Board may  
24 meet to conduct such other business as exigency demands.

25 (5) The supplementary provisions contained in the Schedule to this  
26 Bill shall have effect with respect to the proceedings of the Board and other  
27 matters contained.

28 6.-(1) A member of the Board appointed by the President may resign  
29 his appointment by notice in writing addressed to the President.

30 (2) A member of the Board shall cease membership if the member-

- 1 (a) lacks physical or mental capacity to perform his functions;  
2 (b) becomes of unsound mind;  
3 (c) becomes bankrupt; and  
4 (d) is convicted of a felony, misconduct or of any offence  
5 involving dishonesty.

6 (3) A member of the Board may be removed from office by the  
7 President if he is satisfied that it is not in the interest of the Agency or public  
8 that the member should continue in that office.

9 (4) Where a vacancy occurs in the membership of the Board, it  
10 shall be filled by the appointment of a successor to hold office for the  
11 remainder of the term of office of his predecessor, so that the successor shall  
12 represent the same interest.

13 7. The Board shall-

Functions of the  
Board

14 (a) monitor and ensure remittance of revenue by the Pension Fund  
15 Administrators and ensure transfer of same to the Fund;

16 (b) manage and disburse moneys accruing to the Agency;

17 (c) liaise with the appropriate Ministries or Bodies responsible for  
18 the smooth operation of the Agency;

19 (d) receive requests and approve projects after due consideration;

20 (e) ensure disbursement of funds for the welfare of the aged  
21 Persons;

22 (f) monitor and evaluate execution of the projects;

23 (g) invest funds in appropriate and safe securities;

24 (h) update the Federal Government on its activities and progress  
25 through annual and audited reports;

26 (i) review progress and suggest improvement within the provisions  
27 of this Bill;

28 (j) make and issue guidelines, from time to time, to all beneficiaries  
29 on disbursement from the Agency on the use of monies received from the  
30 Agency;

1 (k) generally to regulate the administration, application and  
2 disbursement of monies from the Agency under this Bill; and

3 (l) do such other things as are necessary or incidental to the objects of  
4 the Agency under this Bill or as may be assigned by the Federal Government.

Management  
and Administration  
of the Agency

5 8. The Board shall administer the Funds accruing to the Agency and  
6 disburse the amount in the Agency for the welfare of the aged Persons.

7 The Board shall administer, manage and disburse the tax impose by this Bill on  
8 the basis of-

9 (a) equality among the six geo-political zones of the Federation in the  
10 case of special intervention; and

11 (b) equality among the States of the Federation in the case of regular  
12 intervention.

13 (3) The Board shall have power to give due consideration to the  
14 peculiarities of each geo-political zone in the disbursement and management  
15 of the tax imposed by this Bill among the Nigeria citizens and families in  
16 Nigeria and in diaspora.

17 (4) The Minister shall, on the recommendation of the Board and  
18 subject to the approval by the President make guidelines for disbursement of  
19 funds under this Bill.

Appointment  
of an Executive  
Secretary

20 9.-(1) There shall be for the Agency an Executive Secretary who  
21 shall-

22 (a) be appointed by the President;

23 (b) be the Chief Executive and Accounting Officer of the Agency;

24 (c) be a person with good knowledge and cognate academic and  
25 administrative experience;

26 (d) have qualifications and experience as are appropriate for a person  
27 required to perform the functions of that office under this Bill;

28 (e) hold office for a period of 4 years in the first instance and may be  
29 eligible for reappointment for a further term of 4 years and no more; and

30 (f) on such terms and conditions as to emoluments, and conditions of



1 service as may be specified in his letter of appointment.

2 10. The Executive Secretary shall, subject to the general direction Duties of the  
Executive  
Secretary  
3 of the Board, be responsible for-

4 (a) the day to day administration of the Agency;

5 (b) keeping the books and proper records of the proceedings of the  
6 Board;

7 (c) the administration of the secretariat of the Board; and

8 (d) the general direction and control of all other employees of the  
9 Agency.

10 11.-(1) The Board shall have power to- Appointment of  
Other Staff

11 (a) employ either directly or on transfer or secondment from any  
12 civil or public service in the Federation such number of employees as may,  
13 in the opinion of the Board, be required to assist the;

14 (b) pay to persons so employed such remuneration including  
15 allowance as the Board may, with the approval of the National Salaries,  
16 incomes and Wages Commission, determine.

17 12.-(1) There shall be established, where the board passes a Establishment of  
the Aged Persons'  
Home  
18 decision to that effect, a home or several number of homes for aged persons.

19 (2) The home for the aged persons shall be located in strategic areas  
20 having regard to the population and demography of the country.

21 (3) The home shall be equipped to accommodate and cater for aged  
22 persons, with their feeding, recreation and health needs taken into  
23 consideration.

24 (4) Competent and qualified personnel shall be employed to cater  
25 for the management and general care of the inmates of the Home.

26 (5) The Director in charge of the Aged Persons Home shall make  
27 rules regarding the management of the Home.

28 13.-(1) Any welfare officer, who satisfies himself, having regard to Reference and  
admission into  
the Home  
29 the surrounding circumstances, may *suo motu*, or upon application by:

30 (a) the aged person concerned;

1 (b) the next of kin of the aged person, where the aged person cannot  
2 take a decision for himself due to old age and other infirmity;

3 (c) the traditional village head of the community where the aged  
4 person resides.

5 (2) no aged person shall be admitted into the aged persons home  
6 unless he is certified by a medical practitioner as fit to live therein and a  
7 certificate is presented to him in that effect.

Negligence of  
staff of Aged  
Persons' Home

8 14. Any staff of the aged persons' home whose negligent attitude to  
9 work results in any undue hardship to an inmate of the home shall be guilty of  
10 an offence and on conviction, shall be punishable with imprisonment which  
11 may extend to three years or with a fine which may extend to N50,000.00.

Allowance for  
Aged Persons

12 15. An aged person may, where his living condition so warrant, be  
13 entitled to a monthly allowance of an amount of money to be drawn from the  
14 fund:

15 (1)The amount of money to be paid as allowance shall be fixed by the  
16 Board, and may be reviewed from time to time having regard to surrounding  
17 circumstances;

18 (2)The Board shall take into account the fact whether an Aged Person  
19 lives in the Home or not.

Free healthcare

20 16.-(a)An aged person under this Act shall be entitled to free medical  
21 healthcare;

22 (b)Upon presentation of evidence of entitlement under the Act, any  
23 hospital that operates the National Health Insurance Scheme shall register an  
24 Aged Person and accord him free medical healthcare.

Punishment for  
non-registration

25 17. Any Chief Executive Officer of any hospital that neglects or  
26 refuses to register an aged person for the purpose of this Act shall be guilty of an  
27 offence and upon conviction shall be liable to a fine not exceeding N500,000 or  
28 a term of imprisonment which may extend to three years or both.

Pension Act  
No. 2 of 2004

29 18.-(1) Service in the Agency shall be approved service for purposes  
30 of Pension. Employees of the Agency shall be entitled to pension, gratuity and

1 other retirement benefits as are enjoyed by persons holding equivalent  
2 grades in the Civil Service of the Federation.

3 Notwithstanding the provisions of sub clause (1) or (2) of this Bill, nothing  
4 in this Bill shall prevent the appointment of a person to any office on terms  
5 which preclude the grant of pension and gratuity in respect of that office.

6 (2) For the purposes of the application of the Pension Reform Act,  
7 any power exercisable by a Minister or other authority of the Government of  
8 the Federation, other than the power to make regulations under section 23  
9 thereof, is vested in and shall be exercisable by the Board.

10 19.-(1)The Agency shall make provision for a modest and humane  
11 burial and funeral rites of an Aged Person residing in the Home.

Funeral Rites  
for an Aged  
Person

12 (2) in the course of carrying out its duties under subsection (1) of  
13 this section, the Agency shall take into consideration, the provisions of the  
14 professed religion of the deceased Aged Person in relation to funeral rites.

15 20.-(1) Subject to the provisions of this Bill, the provisions of the  
16 Public Officers Protection Act shall apply in relation to any suit instituted  
17 against any officer or employee of the Agency.

Limitation of  
suits against the  
Agency

18 (2)Notwithstanding anything contained in any other law or  
19 enactment, no suit against any member of the Board, the Executive  
20 Secretary or any other officer or employee of the Agency for any act done in  
21 pursuance or execution of the Bill or any other law or enactment, or of any  
22 public duty or authority or in respect of any alleged neglect or default in the  
23 execution of this Bill or such law or enactment, duty or authority, shall lie or  
24 be instituted in any court unless-

25 (a) it is commenced within 3 months next after the act, neglect or  
26 default complained of; or

27 (b) in the case of a continuation of damage or injury, within 6  
28 months next after the ceasing thereof.

29 (3) No suit shall be commenced against a member of the Board, the  
30 Executive Secretary, Officer or Employee of the Agency before the

1 expiration of a period of one month after written notice of intention to  
 2 commence the suit shall have been served upon the Agency by the intending  
 3 plaintiff or his agent.

4 (4) The notice referred to in sub clause (3) of this Clause shall clearly  
 5 and explicitly state the cause of action, the particulars of the claim, the name  
 6 and place of abode of the intending plaintiff and the relief which he claims.

Management and  
 Administration  
 of the Annual  
 Budget of the  
 Agency

7 21. The Agency shall not later than 30<sup>th</sup> September each year or other  
 8 date stipulated by law or policy, submit to the National Assembly an estimate of  
 9 expenditure or income of the Agency as approved by the Board for the next  
 10 fiscal year for incorporation into the National budget

Power to borrow  
 money

11 22. The Agency may, with the written approval of the Board and  
 12 subject to the guidelines and policy of the Federal Government, borrow such  
 13 money needed for the exercise of its function, provided that such borrowing  
 14 shall be made on the terms and condition that do not compromise the  
 15 competence of the Agency.

Agency not to  
 exceed budget

16 23.-(1) In carrying out its obligations under the Act, the Agency  
 17 should ensure that the limit of its budget is not exceeded; and accordingly.

18 (2) The number of Aged Persons to benefit from the Agency under the  
 19 Act, in form of payment of allowances, free healthcare, and accommodation  
 20 shall not exceed 100 persons from each state of the Federation and the Federal  
 21 Capital Territory.

Restriction on  
 Execution against  
 property of the  
 Agency

22 24.-(1) In any action or suit against the Agency, no execution or  
 23 attachment of process in the nature thereof shall be issued against the Agency.

24 (2) Any sum of money which may, by the judgment of any court, be  
 25 awarded against the Agency shall, subject to any direction given by the court  
 26 where notice of appeal of the said judgment has been given, be paid from the  
 27 general reserve fund of the Agency.

Indemnity of  
 Members etc.

28 25. Every member of the Board, agents or employees of the Agency  
 29 shall be indemnified from liability incurred in defending any proceeding  
 30 brought against the persons under this Bill, in the person's capacity as member,

1 agent or employee of the Agency.

2 26. The Head Office of the Agency shall be situated in the Federal  
3 Capital Territory, Abuja. Head Office of  
the Agency

4 27. The Minister may, on the recommendation of the Board and  
5 subject to the approval of the President, make regulations generally for the  
6 purposes of this Bill. Regulations

7 28. In this Bill- Interpretation

8 "Agency" means the Aged Persons Welfare Agency established under this  
9 Bill;

10 "Company" means a company registered in Nigeria;

11 "Home" means any house, building or shelter where Aged Persons are kept  
12 and catered for pursuant to the provision of this Bill;

13 "Minister" means the Minister responsible for Health;

14 "The Service" means the Federal Inland Revenue Service established under  
15 the Federal Inland Revenue Service (Establishment) Act, 2007

16 29. This Bill may be cited as the Aged Persons Welfare Agency Citation  
17 Bill, 2018.

#### 18 SCHEDULE

##### 19 SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY

##### 20 *Proceedings of the Board*

21 1.-(1) Subject to the provisions of this Bill and other applicable  
22 laws, the Board may make standing orders regulating its proceedings.

23 (2) The Board shall meet whenever summoned by the Chairman, or  
24 if required to do so, by at least 8 members of the Board and shall meet for a  
25 minimum of 4 times in a year.

26 (3) The Chairman shall preside over the meetings of the Board and  
27 in his absence, the members of the Board shall appoint one person, from  
28 among themselves, to act as the Chairmen for that meeting.

##### 29 *Committees*

30 2.-(1) The Board may appoint committees or sub-committees to

1 carry out, on its behalf, such functions that the Committee shall legitimately  
2 carryout.

3 (2) The decision of the sub-committee appointed under paragraph  
4 2(1) shall have no effect until it is approved by the Main Committee.

5 *Miscellaneous*

6 3.-(1) The Secretary of the Board shall be the custodian of the seal of  
7 the Board.

8 (2) Fixing of the common seal of the Board shall be authenticated by  
9 the signature of the Chairman of the Board or some other persons authorized to  
10 do so.

11 (3) Any contract or instrument, which if made or executed by a person  
12 not being a body corporate, shall not be required to be made under seal, shall be  
13 executed on behalf of the Board by the Managing Director of the Agency or any  
14 other person authorized to do so.

15 (4) Where the Board desires to obtain an "expert opinion from a  
16 person not being a member of the Board, the Board may co-opt such person or  
17 such period the Board may determine, but the co-opted person shall not have  
18 the right to vote or to count informing a quorum.

19 (5) The validity of any proceeding of the Board or of a committee  
20 shall not be adversely affected by any vacancy in the membership of the Board  
21 or Committee or by any defect in the appointment of a member of the Board.

22 FINANCIAL IMPLICATION

23 (First year)

- 24 1. Rent for office accommodation = N10,000,000.00  
25 2. Office furniture = N10,000,000.00  
26 3. Computers and accessories = N3,000,000.00  
27 4. Office stationery = N1,000,000.00  
28 5. 1 unit of staff vehicle = N10,000,000.00  
29 6. 2 units of utility vehicles = N14,000,000.00  
30 7. Personnel cost = N148,000,000.00

1        8.        Total = N481,480,000

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Aged Persons Welfare Agency, which shall cater for the welfare of needy aged persons; and will be funded from statutory allocations, 1% of the annual profit after tax of all Pension Fund Administrators in Nigeria as well as donations from persons, corporate organisations and others, such fund shall be utilized and managed by the Agency for the welfare of Aged Persons.

