

A BILL

FOR

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF NATIONAL SOCIAL INVESTMENT PROGRAMMES FOR THE ASSISTANCE AND EMPOWERMENT OF POOR AND VULNERABLE IN NIGERIA; AND TO ESTABLISH THE NATIONAL SOCIAL INVESTMENT PROGRAMMES COORDINATING OFFICE WITHIN THE FEDERAL MINISTRY RESPONSIBLE FOR SOCIAL DEVELOPMENT TO MANAGE THE IMPLEMENTATION OF THE PROGRAMMES AND FOR RELATED MATTERS

Sponsored by Hon. Femi Gbajabamila, Hon. Ahmed Idris

Co-Sponsors:

Hon. Alhassan Ado Garba

Hon. Peter O. Akpatason

Hon. Mohammed T. Monguno

Hon. Nkeiruka Onyejeocha

Hon. Ndudi Godwin Elumelu

Hon. Gwani Gideon Lucas

Hon. Toby Okechukwu

Hon. Abdel-majid A. Adekoya

Hon. Mansur Manu Soro

[] Commencement

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

PART 1- OBJECTIVES

- 1 1. The general objectives of this Act are to provide an institutional
- 2 framework for the management of the National Social Investment
- 3 Programmes and to establish an Office with the responsibility to manage
- 4 and coordinate implementation of the social investment programmes of the
- 5 Federal Government through:
- 6 (i) research and insight generation, conceptualising, incubating,
- 7 and implementing development programmes,
- 8 (ii) programme coordination, management support and monitoring
- 9 and evaluation,
- 10 (iii) standards setting, promoting best practices, and thought
- 11 leadership integration,
- 12 (iv) conducting needs assessment, identifying beneficiaries, and
- 13 conducting outreach programmes,
- 14 (v) partnership outreach, management of stakeholders and special

Objectives

- 1 (vi) capability development, resource, and funding mobilisation,
2 (vii) advocacy for and promotion of awareness of social protection
3 and development programmes in Nigeria and promote synergy and
4 coordination among all social protection intervention agencies.

5 PART II - ESTABLISHMENT OF THE NATIONAL SOCIAL INVESTMENT

6 PROGRAMMES COORDINATING OFFICE

7 2. There is hereby established, the National Social Investment
8 Programmes Coordinating Office (hereinafter in this Act referred to as lithe
9 Office").

10 3. The Office shall:

11 (a) establish, maintain and facilitate the use of the National Social
12 Register;

13 (b) implement all policies, projects, programmes, plans and
14 international commitments relating to poverty reduction and human capital
15 development as may be approved by the Council;

16 (c) coordinate, monitor and advice on social protection activities of
17 the Federal Government;

18 (d) assist in formulating and reviewing policies on poverty reduction
19 and human capital development;

20 (e) provide technical expertise to all levels of Government on poverty
21 reduction and human capital development policy planning and
22 implementation;

23 (f) evaluate and advise the Council on the availability or otherwise of
24 critical social amenities having direct impact on the poor and vulnerable
25 throughout the Federation;

26 (g) maintain a relationship with international development partners
27 and coordinate the involvement of national and international non-
28 governmental organisations in social programmes in Nigeria in accordance
29 with national strategy and objectives;

30 (h) formulate and strategize on intervention programmes and projects

Establishment
of the National
Social Investment
Programmes
Coordinating
Office

Functions of
the Office

1 based on need with a view to complement the efforts of the implementing
2 Ministries, Departments and Agencies;

3 (i) work with the media on advocacy and mobilization activities;

4 (j) conduct overall monitoring, evaluation and review of social
5 programmes implementation;

6 (k) promote effective inter-governmental collaboration in social
7 and human capital development programmes implementation;

8 (l) share national poverty maps to guide State Governments in the
9 selection of the poorest Local Governments;

10 (m) set standards for practitioners in the social development sector
11 in Nigeria;

12 (n) interface with State Focal Persons; and

13 (o) perform such other functions as may be related or incidental to
14 the performance of the functions specified in this section.

15 4.-(1) There is established a Council to be known as the National
16 Social Investment Council (hereinafter in this Act referred to as "the
17 Council").

Establishment
of the National
Social Investment
Council

18 (2) The Council shall consist of:

19 (a) a Chairman who shall be the Minister responsible for social
20 development;

21 (b) representatives of each of the following Ministries, not below
22 the rank of Director:

23 (i) Budget and National Planning,

24 (ii) Finance,

25 (iii) Labour,

26 (iv) Interior,

27 (v) Education,

28 (vi) Health,

29 (vii) Justice,

30 (viii) Women Affairs, and

- 1 (ix) Youth and Sports.
2 (c) A representative each of:
3 (i) Nigeria Governors Forum,
4 (ii) Association of Local Governments of Nigeria,
5 (iii) Civil Society Organisations, and
6 (iv) Organised Private Sector.
7 (d) The National Programmes Coordinator who shall be the Secretary
8 to the Council.

9 (3) Members of the Council other than ex-officio shall be appointed
10 by the President on the recommendation of the Minister.

11 (4) The supplementary provisions set out in the first schedule to this
12 Act shall apply to the proceedings of the Council.

Tenure of Members
of the Council

13 5.-(1) The members of the Council who are not ex-officio members
14 shall hold office:

15 (a) For a term of four years in the first instance and may be
16 reappointed for a further term of four years and no more; and

17 (b) On such terms and conditions as may be specified in their letters of
18 appointment.

19 (2) Notwithstanding the provisions of subsection (1) of this section, a
20 member of the Council, may at any time be removed from office by the
21 President for inability to discharge the duties of his office, whether arising from
22 infirmity of mind, or body, or misconduct or in the public interest.

23 6. Members of the Council shall be entitled to such sitting allowances,
24 expenses and such other appropriate entitlements as may be approved by the
25 Salaries and Wages Commission.

Cessation of
Membership

26 7.-(1) The office of the chairman or member of the council becomes
27 vacant where-

28 (a) his term of office expires;

29 (b) he resigns by notice in writing to the president;

30 (c) he dies;

1 (d) he becomes of unsound mind or incapable of carrying out his
2 duties due to physical or mental illness;

3 (e) he has been declared bankrupt;

4 (f) he has been convicted of a felony or any offence involving
5 dishonesty;

6 (g) he is guilty of gross misconduct relating to his duties;

7 (h) the President directs his removal in the public interest or upon
8 being satisfied that it is not in the interest of the council for the person to
9 continue in office; and

10 (i) in the case of an ex-officio member, he ceases to hold the office
11 on the basis of which he became a member of the council.

12 (2) Where a vacancy occurs in the membership of the Council
13 before the expiration of the term of a member, a fit and proper person shall be
14 appointed for the remainder of the term to represent the same interest as the
15 predecessor.

16 8. The Council shall have the powers to:

Powers of the
Council

17 (a) supervise the functions of the affairs of the Office;

18 (b) formulate the overall policy of the Office and act in the name of
19 the Office;

20 (c) ensure that the social investment and protection programmes
21 and projects as budgeted for and implemented by other Ministries,
22 Departments and Agencies of the Federal Government are coordinated by
23 the Office;

24 (d) review all social and human capital development programmes
25 across the Federation;

26 (e) relate with international development organisations and other
27 major stakeholders in order to facilitate and deepens partnership between
28 such organisations and stakeholders on the one hand and the Office on the
29 other;

30 (f) undertake periodic assessment of programme implementation

1 and prepare reports accordingly for submission to the Federal Executive
2 Council;

3 (g) appoint consultants to conduct periodic assessment of programme
4 implementation by the Office and prepare reports for consideration by the
5 Council;

6 (h) set periodic attainable targets for implementation of social
7 programmes in collaboration with other implementing agencies of the Federal
8 Government;

9 (i) set up sub-committees as may be necessary to undertake special
10 assignments; and

11 (j) do such other things and carry out such other functions as may be
12 necessary for the achievement of its functions and the objectives stated in this
13 Act.

Functions of the
Council

14 **9. The Council shall perform the following functions:**

15 (a) present timely annual report to the President and the National
16 Assembly on the status of social protection programmes policy
17 implementation in the country;

18 (b) ensure periodic review of the National Social Protection Policy;

19 (c) develop regulations on accountability measures and mechanisms;

20 (d) ensure that sector actors prioritize social and human capital
21 development programmes in the annual budgets;

22 (e) ensure equitable distribution of resources to vulnerable
23 populations;

24 (f) conduct overall monitoring, evaluation and review of the
25 programmes implemented by the Office;

26 (g) promote effective inter-governmental collaboration in social
27 protection programmes implementation;

28 (h) initiate and oversee studies, assessments and evaluations to gather
29 data;

30 (i) approve the redeployment of staff of the Office;

1 (j) receive and consider, for approval, the audited accounts of the
2 Office;

3 (k) consider and approve the plans and activities of the Office;

4 (l) approve the social protection programmes to be implemented
5 by the Office to address existing gaps in the social development sector and
6 commission any research to be undertaken in order to strengthen existing
7 programmes or establish new ones; and

8 (m) give such other directives and perform such other functions as
9 may be necessary to achieve the objectives of this Act.

10 PART III - MANAGEMENT AND STAFF OF THE OFFICE

11 10. There shall be appointed by the Minister-

Appointment of
National Programme
Coordinator

12 (1) a National Coordinator of Programmes (in this Act referred to
13 as the "National Programmes Coordinator") who shall be in charge of the
14 Office.

15 (2) The National Programmes Coordinator shall-

16 (a) Have such qualifications and experience as appropriate for a
17 person required to perform the functions of the Office under the Act;

18 (b) Be responsible for the day to day management of the Office;

19 (c) Hold office for a term of four years and be eligible for
20 reappointment for another term of four years and no more, on such terms and
21 conditions as may be specified in his letter of appointment; and

22 (d) Be paid such remuneration as may be determined by the
23 Council after consultation with the Salaries and Wages Commission.

24 (3) Without prejudice to the provisions of this Act, the National
25 Programmes Coordinator may be removed from office for inability to
26 discharge the functions of his office, whether arising from infirmity of body
27 or mind, or for misconduct.

28 11. The Council may as it considers necessary-

Staff of the
Office

29 (1) Appoint or transfer on secondment from any public service of
30 the Federation, such number of employees as may be required to assist the

1 Office in the discharge of any of its functions under this Act.

2 (2) The employment of staff of the Office shall be on such terms and
3 conditions as may be determined by the Council in accordance with the Public
4 Service Rules.

Structure of the
Office

5 12. The structure of the Office shall comprise of-

6 (a) The office of the National Programmes Coordinator;

7 (b) Directorates may be approved by the Council for the proper
8 operations of the Office; and

9 (c) Programme clusters to be headed by Programme Managers.

10 PART IV - SOCIAL INVESTMENT

Social Investment
Programmes

11 13.-(1) There is established under this Act the following social
12 investment programmes-

13 (a) National Cash Transfer Programme;

14 (b) National Home Grown School feeding Programme;

15 (c) N-Power Programme;

16 (d) Government Enterprise and Empowerment Programme; and

17 (e) Such other social investment programmes as may be approved by
18 the President.

19 (2) Each programme shall have a National Programme Manager.

Beneficiaries
of the Social
Investment
Programmes

20 14.-(1) Beneficiaries of social investment programmes under this Act
21 shall include-

22 (a) Unemployed persons;

23 (b) Vulnerable orphans and children;

24 (c) Persons with disabilities;

25 (d) Vulnerable Older persons; and

26 (e) Such category of persons as the Minister may, with the approval of
27 the President, determine from time to time by an order published in the Official
28 Gazette.

29 (2) The Office shall through the social investment programmes,

1 provide benefits to the categories of persons referred to in subsection (1) of
2 this section.

3 15.-(1) Enrolment in a social investment programme shall be made
4 in such form and manner as the Council may determine.

Enrolment in
Social Investment
Programmes

5 (2) The Office may investigate to verify the eligibility of an
6 applicant.

7 (3) Where in the opinion of the Office, an applicant does not
8 qualify for social investment benefits under this Act, the Office shall inform
9 the applicant accordingly and provide the reasons thereof.

10 16.-(1) A State Government participating in the social investment
11 programmes under this Act shall-

State Governments
participation

12 (a) appoint a focal person (in this Act referred to as the "State Focal
13 Person"), who shall be a member of the State Executive Council of the rank
14 of Commissioner or Special Adviser;

15 (b) provide office space, equipment and facilities for the smooth
16 running of the programmes;

17 (c) make adequate provision for financial participation in the
18 programmes in its budget;

19 (d) establish and manage the State Social Register;

20 (e) share State Social Register with the Office; and

21 (f) enter into a Programme Implementation Agreement with the

22 Office.

23 (2) The State Focal Person shall be responsible for-

24 (a) acting as a liaison between the State Government and the
25 Office;

26 (b) coordinating the State Government's responsiveness to its
27 obligations under the Programme Implementation Agreement; and

28 (c) ensuring the State Government's compliance with its
29 obligations under this Act.

Termination of
Benefits

1 17.-(1) The Office may cancel a beneficiary's social investment
2 benefits if it is determined that such benefit has been obtained through
3 misrepresentation, deceit, fraud, or failure to disclose any material
4 information.

5 (2) Any social investment benefits obtained through
6 misrepresentation, deceit, fraud, or failure to disclose any material information
7 shall be refunded to the Government by the person or from his estate if he is
8 deceased.

9 (3) The Office may terminate the payment of social investment
10 benefits to a beneficiary who is absent from Nigeria for a continuous period of
11 six months.

12 (4) The provision or payment of any social investment benefits to a
13 beneficiary shall lapse when the person dies.

14 PART V - FINANCIAL PROVISIONS

15 18.-(1) The Office shall establish and maintain a Fund (in this Act
16 referred to as "the Fund") from which shall be defrayed all expenditures
17 incurred by the Office for the purpose of this Act.

18 (2) There shall be credited to the Fund-

19 (a) such sums as may be appropriated to the Office by the National
20 Assembly;

21 (b) such other sums as may be provided by the Federal Government of
22 Nigeria or by a State Government to support the activities of the Office; and

23 (c) such sums accruing to the Office by way of gifts, endowments,
24 donations, bequests or voluntary contributions by persons or organisations;

25 19. The Council, may with the consent of the Minister, borrow on
26 such terms and conditions as the Council may determine, such sums of money
27 as the Council may be require for the exercise of the functions conferred on it
28 under the Act.

Fund of the
Office

Power to Borrow

Gifts to the
Office

29 20.-(1) The Office may accept gifts of movable or immovable

1 property from individuals or organisations in accordance with the mandate
2 of the Office.

3 (2) The Office shall not accept any gifts if the conditions of the
4 offer are inconsistent with the functions and mandate of the Office.

5 21.-(1) The Office, may subject to the provisions of this Act and the
6 conditions of any Trust created in respect of any property, invest any of its
7 funds in any security as may be approved by the Council.

Investments

8 (2) The Office is exempt from payment of income tax on any
9 incomes accruing to it under this Act or from any investment.

10 22. The Office shall cause to be prepared and submitted to the
11 Council, not later than 30th August each year, an estimate of the expenditure
12 and income of the Office for the following year.

Annual Estimates

13 23.-(1) The Council shall cause to be kept, proper accounts and
14 records in relation thereto and when certified by the Council, such accounts
15 shall be audited as provided in subsection (2) of this section.

Audit of Accounts
of the Office

16 (2) The accounts of the Office shall be audited within three months
17 after the end of each year by auditors appointed by the Council from the list
18 of auditors and in accordance with the guidelines supplied by the Auditor-
19 General for the federation.

20 (3) The fees of the auditors and the general expenses of the audit
21 shall be paid from the funds of the Office.

22 24.-(1) The Council shall cause to be prepared on a semi-annual
23 basis, a report in such form as shall accurately capture all the activities of the
24 Office during the preceding months and shall include community impact
25 assessment and performance analysis of the programmes implemented by
26 the Office.

Annual Reports

27 (2) The Council shall appoint an external consultant who shall be
28 responsible for conducting all research and data gathering, on the spot
29 assessment, and any other lawful activities as may be required to support the

1 preparation of an independent report on programme implementation by the
2 Office.

3 (3) The fees of the consultants and the general expenses incurred in
4 the preparation of the reports shall be paid from the Fund of the Office.

5 PART VI - LEGAL PROCEEDINGS AGAINST THE OFFICE

Notice of
Intention of Sue

6 25.-(1) No suit against the Office, a member of the Council or any
7 employee of the Office for any lawful act done in pursuance or execution of the
8 functions conferred upon the Office by this Act shall lie or be instituted in any
9 court unless it is commenced within three months next of the act, neglect or
10 default complained of, or in the case of a continuance of damage or injury,
11 within three months after the cessation thereof.

12 (2) No suit shall commence against the Office before the expiration of
13 a period of one month after written notice of intention to commence the suit
14 shall have been served upon the Office by the party intending to sue the Office
15 or by his lawyer.

16 (3) Any such notice of intention to sue shall clearly and explicitly
17 state-

18 (a) the cause of action;

19 (b) the particulars of the claim;

20 (c) the name and address of the party intending to sue; and

21 (d) the relief which he claims.

Mode of Service

22 26. The notice referred to in section 25 of this Act and any other
23 notice, summons, process or other document required or authorised to be
24 served on the Office under the provisions of this Act or under any other law,
25 shall be served by delivering the same to the registered address of the Office.

Judgments
against the office

26 27.-(1) In any action or suit against the Office, no execution or
27 attachment or process in the nature thereof shall issue against the Office
28 without the consent of the Attorney General of the Federation.

29 (2) Any sums of money which by judgment of court is awarded
30 against the Office shall be paid from the general reserve fund of the Office, then

1 provision shall be made in the budget to accommodate these expenditures to
2 avoid virement.

3 PART VII- MISCELLANEOUS

4 28. Any person who knowingly-

5 (a) makes a false or misleading statement in any application under
6 this Act,

7 (b) being gainfully employed, makes an application for enrolment
8 in a programme,

9 Commits an offence and is liable on conviction to a fine not exceeding One
10 Hundred Thou. and Naira, or imprisonment for a term of not less than six
11 months or both

12 29.-(1) The Council may make regulations and issue guidelines
13 generally for the purposes of giving effect to the provisions of this Act.

14 (2) Without derogation from the generality of subsection (1) of this
15 section, regulations and guidelines made pursuant to this section may
16 provide for the following-

17 (a) Procedures for determining eligibility for social investment
18 benefits under the programmes of the Office; and

19 (b) Implementation of the programmes of the Office;

20 30. For the purpose of providing office premises for the
21 performance of the functions of the Office, the Office may subject to the
22 provisions of the Land Use Act-

23 (a) Purchase or take in lease, any land building or property;

24 (b) Build equip and maintain offices and premises; or

25 (c) Let, lease or sell out any offices or premises held by it which it
26 no longer requires for the performance of its functions under this Act.

27 31. In this Act-

28 "Beneficiary" means a person who receives social investment benefits
29 under any programme of the Office;

30 "Council" means the National Social Investment Council;

Offences under
the Act

Power to make
Regulations

Premises

Interpretation

- 1 "Programmes" means Social Investment Programmes established under this
2 Act;
- 3 "Member" means a member of the National Social Investment Council;
- 4 "Minister" means the Minister charged with responsibility for Social
5 Development;
- 6 "Ministry" means the Ministry charged with responsibility for Social
7 Development;
- 8 "Attorney General" means the Attorney General and Minister of Justice of the
9 Federation;
- 10 "President" means the President of the Federal Republic of Nigeria;
- 11 "State Government" means the Government of a State in the Federal Republic
12 of Nigeria.
- 13 "Federation" means the Federal Republic of Nigeria
- 14 "Federal Government" means Government of the Federal Republic of Nigeria
- 15 **32.** This Bill may be cited as the National Social Investment
16 Programmes (Establishment) Bill, 2020.

Short title

EXPLANATORY NOTE

This Bill seeks to establish the National Social Investment Programmes Coordinating Office to manage the implementation of National Social Investment Programmes aimed at alleviating poverty and improving human development indices, and for the overall social development of Nigeria.