

NATIONAL SOCIAL SECURITY AND WELFARE BOARD BILL, 2021

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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 AND FOR RELATED MATTERS

Sponsored by Hon. Lynda Chuba Ikpeazu

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL SOCIAL SECURITY BOARD

2 1.-(1) There is established a body to be known as the National
3 Social Security Board (hereinafter in this Act referred to as "the Board")
4 which shall have the functions and powers conferred on it by this Act

Establishment
of the National
Social Security
Board

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

8 PART II - FUNCTIONS AND POWER OF THE BOARD

9 2. The functions of the Board shall be to:

Functions of
the Board

10 (a) control and administer benefits, incentives or compensate or
11 assist the following disadvantaged persons:

12 (i) children,

13 (ii) women,

14 (iii) physically challenged,

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

- 1 (v) unemployed who possesses university degrees or its equivalent
2 and had applied for employment but their applications were rejected on
3 account of no vacancy or people retrenched from their places of work;
- 4 (b) support indigent, orphaned, abandoned, neglected or abused
5 children or children engaged in premature or forced labour.
- 6 (c) give maternal support to women with children or pregnancy,
7 especially in case of indecency, abuse, neglect, widowhood and
8 unemployment;
- 9 (d) give old-age support to persons of advanced years, not being less
10 than sixty-five and must have been previously in gainful public or private
11 employment or reasonable occupation; and
- 12 (e) give miscellaneous support as may be determined by the Council
13 for enhancement of the welfare of citizens, in particular, the disadvantaged.
- 14 **3. The Board shall have power to:**
- 15 (a) determine the beneficiaries of the social security benefits, taking
16 into consideration available resources and equity;
- 17 (b) administer and monitor the benefit;
- 18 (c) formulate policies and criteria for determining persons entitle to
19 the benefits;
- 20 (d) undertake studies and make recommendations and implement, the
21 most effective methods for providing social and health insurance plans for
22 citizens covered by this act and for administering all the benefits it is mandated
23 to provide;
- 24 (e) acquire, hold, manage, and alienate liquid or fixed assets;
- 25 (f) delegate any of its function to any of its agents or operatives;
- 26 (g) decline being subjected to the authority, direction or control of any
27 office other than that of the President in the discharge of its statutory duties; and
- 28 (h) do anything that may be necessary to facilitate the carrying out its
29 functions.

PART III - ESTABLISHMENT AND COMPOSITION OF

GOVERNING COUNCIL

4.-(1) There is established an executive body to be known as the
Governing Council for the National Social Security Board.

Establishment
of the Governing
Council of the
Board

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

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

5. The Council shall consist of:

Composition

(a) a chairman;

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

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

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

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

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

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

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

(i) an Executive Secretary.

6.-(1) The Chairman and Members of the Council shall be
appointed by the President of the Federal Republic of Nigeria Subject to the
confirmation of the Senate.

Appointment

(2) Membership of the Council shall be of part-time status.

(3) The Executive Secretary shall be of full-time status.

7. The supplementary provisions set out in the schedule to this Act
shall apply to the procedures of meetings of the council.

Schedule

PART IV - TENURE AND CESSATION OF COUNCIL MEMBERSHIP

8. Subject to the provisions of section 12, the Chairman and
members of the Council shall each hold:

Tenure of office
by the Members

(a) for a term of 4 years and may be re-appointed for a further term

1 of 4 years and no more; and

2 (b) on such terms and conditions as may be specified in his letter of
3 appointment.

4 9. A person shall cease to hold office as a member of the Council in the
5 occurrences of any of the following:

6 (a) he dies;

7 (b) he becomes bankrupt;

8 (c) he is convicted of a felony or any offence involving dishonesty or
9 fraud;

10 (d) he becomes of unsound mind or is capable for any reason of
11 carrying out his duties (e) he is guilty of a serious misconduct in relation to his
12 duties;

13 (f) in the case of a person possessed of professional qualification, he is
14 disqualified or suspended, other than at his own request, from practicing his
15 profession in any part of the world by an order of a competent authority made in
16 respect of that member; or

17 (g) he resigns his appointment by a written notice under his hand to
18 the President.

19 10. Where a member ceases to hold office for any reason before the
20 expiration of his term, another person representing the same interest as that
21 member shall be appointed in his place.

22 11. The President may remove a member if he is satisfied that is not in
23 the interest of the Board or the public that the member continues in office.

24 12. A member of the Council shall be paid such allowances and
25 expenses as may be determined by the Revenue Mobilization, Allocation and
26 Fiscal Commission.

27 13. The Council shall have power to:

28 (a) manage and superintend the affairs of the Board;

29 (b) make rules and regulation for the proper functioning of the Board;

30 (c) employ and pay the staff of the Board appropriate remuneration,

1 ~~2145~~ commensurate in scale with that of staff in organization of similar stature;

2 and.

3 (d) enter into any negotiations, agreement and contractual
4 relationship such as may be necessary or expedient for the discharge of the
5 functions of the Board.

6 PART V - STAFF OF THE BOARD

7 14. There shall be an Executive Secretary for the Board, who shall
8 be appointed by the President.

Executive Secretary

9 15. The Executive Secretary shall be:

Functions of the Executive Secretary

10 (a) the Chief Executive and accounting officer of the Board;

11 (b) responsible to the Council for the Execution of the policies and
12 the administration of the daily affairs of the Board.

13 16. The Executive Secretary shall be appointed for a term of five
14 years in the first instance and may be appointed for a further term of 5 years
15 and no more.

Tenure of Office of the Executive Secretary

16 17. The Executive Secretary shall be paid such remuneration as
17 may be contained in his letter of appointment or as will be determined by the
18 Revenue Mobilization, Allocation and Fiscal Commission.

Remuneration of the Executive Secretary

19 18. The Executive Secretary shall cease to hold office if any of the
20 conditions contained in section 12 pertaining to members of the Council

Cessation of office by the Executive Secretary

21 19. The Executive Secretary may resign his appointment by a
22 written notice under his hand delivered to the President.

Resignation of appointment by the Executive Secretary

23 20. The Council shall appoint for the Board, a secretary who shall:

Secretary

24 (a) be a legal practitioner and is qualified for a period of no less than
25 10 years;

26 (b) keep records and conduct correspondence of the Board;

27 (c) perform such other functions as the Council or the Executive
28 Secretary may direct.

29 21. The Council shall appoint for the Board such member of
30 employees as may in the opinion of the Council be expedient and necessary

Other Staff

1 for the proper efficient performance of the functions of the Board and pay them
2 remuneration and allowances as it determines.

Direct Appointment

3 22.-(1) Notwithstanding the provisions of section 22 and 23, the
4 Council shall have power to appoint for the Board either directly or on
5 secondment from any public services of the Federation, such number of
6 employees as may in the opinion of the Council be required to assist the Board
7 in the discharge of any of its functions under this Act.

8 (2) The person seconded under this section may elect to be transferred
9 to the services of the Board and any previous service he may have rendered in
10 the public service shall count as service to the Board for the purpose of any
11 pension subsequently payable by the Board.

Departments

12 23. There shall be established in the head office of the Board the
13 following Departments:

- 14 (a) Finance and Personnel Management;
- 15 (b) Planning, Research and Statistics;
- 16 (c) Monitoring and Evaluation; and
- 17 (d) Legal Services.

pensions

18 24.-(1) Service in the Commissions shall be, approved service for the
19 purposes of the Pension.

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

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

26 (4) For the purposes of the application of the provisions of this Act,
27 and power'exercisable thereunder by the Minister or other authority of the
28 Government of the Federation, other than the power to make regulations Board
29 of the Commission.

PART VI - FINANCIAL PROVISIONS

2 2143

25.-(1) The Board shall establish and maintain a fund to which all

Funds of the
Board

3 monies accruing to it shall be paid into from which shall be defrayed all
4 expenditure incurred by the Board.

5 (2) The funds of the Board shall consist of:

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

8 (b) 5% of statutory subventions from each of the State
9 Government;

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

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

14 (e) interest and revenue accruing from savings and investments
15 made by the Board;

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

20 26.-(1) The Director, Federal Board of Internal Revenue shall
21 furnish to the Post-Master-General without pre-payment, a suitable quantity
22 of stamps, coupons, books, tickets or other devices prescribed by the
23 Director for the collection or payment of any tax imposed by this Act, to be
24 distributed and kept on sale by all post offices.

Sale of Stamps,
etc. Cap. S8 LFN,
2004

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

Budgetary estimates

1 Section 27. The Council shall, not later than 30 September of each year,
2 submit to the National Assembly, through the Ministry, an estimate of the
3 projected expenditure of the Board during the next succeeding year and shall
4 include a copy of the audited accounts of that year and a copy of the auditor's
5 report.

Gifts

6 Section 28.-(1) The Board may accept gifts of money, land or other properly
7 on such terms and conditions, if any, as may be specified by the person or
8 organization making the gift.

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

Expenditure and account

11 Section 29. The Council shall approve any expenditure of the Board and shall:

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

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

Audit and Account

16 Section 30. The Auditor-General of the Federation shall:

17 (a) inspect and audit the accounts of the financial transactions of the
18 Board;

19 (b) inspect records relation to assets of the Board; draw the attention
20 of the ministry to any irregularity discerned by the inspectors and auditors.

Auditor-General

21 Section 31. The Auditor-General of the Federation or any officer who is
22 authorized by him, is entitled at all reasonable times, to a full and free access to
23 all accounts, records, documents and papers of the Board relation directly or
24 indirectly to the receipt or payment of money by the Board or to the acquisition
25 receipt, custody or disposal of assets of the Board.

26 PART VII - MISCELLANEOUS PROVISIONS

Acquisition of land or interest in land for office use

27 Section 32.-(1) For the purposes of providing offices and premises necessary
28 for the performance of its functions under this Act, the Board may, subject to
29 the Land Use Act:

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

1 (b) construct offices and premises, equip and maintain them,
 2 (2) the Commission may, subject to the Land Use Act, sell or lease
 3 out any Land required for the performance of its functions under this Act.

4 33.-(1) The provision of the Public Officers' Protection Act shall
 5 apply in relation to any suit instituted against any officer or employee of the
 6 Board in his capacity as such.

Legal proceedings
 against the Board
 Cap. P4 LFN, 2004

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

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

15 (4) A notice, summons or other documents required or authorized
 16 to be served upon the Board under the provision of the Act or any other law
 17 or enactment may be served by delivering it to the Executive Secretary at the
 18 Head office of the Board.

19 34.-(1) No execution or attachment of processes shall be issued
 20 against the Board in any action or suit without the consent of the Attorney-
 21 General of the Federation.

Restriction on
 execution against
 property of the
 Board

22 (2) Any sum of money which may by the judgement of any court be
 23 awarded against the Board shall, subject to any direction given by the court
 24 where notice of appeal of the said judgement has been given, be paid from
 25 the general reserved fund of the Board.

26 35. A member of the council, the Executive Secretary, any officer
 27 or employee of the Board, shall be indemnified out of the assets of the Board
 28 against any proceeding, whether civil or criminal, in which judgement is
 29 given in his favour or in which he is acquitted, if any such proceeding is
 30 brought against him in his capacity as a member, Executive Secretary or

Indemnity of
 Officers

2021
Services of
document

1 officer or employee of the Board.

2 36. A notice, summons or other documents required or authorized to
3 be served upon the Board under the provisions of this Act or any other law or
4 enactment may be served by delivering it to the executive Secretary or by
5 sending it by registered post and addressed to the Executive Secretary at the
6 Principal office of the Board.

Penalty

7 37. Whoever makes any false statement as to any material fact in
8 respect of any payment under this Act, knowing or having reason to believe
9 that, that statement is false, commits an offence and is liable on conviction to a
10 fine not exceeding N50,000 or imprisonment term of not more than 4 years.

Regulation

11 38. The Minister may make regulations generally for the purpose of
12 carrying out or giving effect to the provisions of this Act.

Interpretation

13 39. In this Act:

14 "Benefits" means the Social Welfare benefits, grants, incentives and assistance
15 accruing to the beneficiaries;

16 "Board" means the National Social Security and Welfare Board;

17 "Member" means a member of the Governing Council of the Board;

18 "Minister" means the Minister in charge of the ministry of labour and
19 productivity.

Short title

20 40. This Bill may be cited as the National Social Security and Welfare
21 Board Bill, 2021.

SCHEDULE

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 subparagraph 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

[B. 1452]

1
2 4.-(1) The fixing of the seal of the Board shall be authenticated by the
3 signature of the Chairman or any other member of the Council generally or
4 specifically authorized by the Council to act for that purpose and the Executive
5 Secretary.

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

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

13 (4) The validity of any proceedings of the Council or of a Committee
14 shall not be adversely affected by:

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

16 (b) A defect in the appointment of a member of the Council or
17 Committee; or

18 (c) Reason that a person is not entitled to do so took part in the
19 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 disadvantaged Citizens.