

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL COUNCIL ON AGEING SO AS TO PROVIDE SOCIAL WELFARE SERVICES FOR THE ELDERLY AND FOR PURPOSE OF DESIGNING DEVELOPMENTAL PROGRAMMES AND ACTIVITIES FOR THE ADVANCEMENT OF ELDERLY PERSONS IN NIGERIANS; AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Ali Abdullahi Ibrahim Halims

[] Commencement

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

- 1 1.-(1) There is hereby established a body to be known as the
- 2 National Council for Elderly Persons. Establishment
- 3 (2) The Council shall: of the Security
- 4 (a) be a body corporate with perpetual succession; and National Council
- 5 (b) may sue and be sued in its corporate name. for Elderly Persons
- 6 (3) The Council shall be located in the Federal Capital Territory,
- 7 Abuja and shall have branches in all State Capitals.
- 8 2.-(1) There is hereby established for the Council a Governing
- 9 Board (in this Bill referred to as "the Board") which shall administer and Governing Board
- 10 direct the affairs of the Council. of the Council
- 11 (2) The Board shall consist of the following:
- 12 (a) a Chairman;
- 13 (b) a representative of the Ministry responsible for Social
- 14 Development not below the rank of a Director;
- 15 (c) a representative each of the Ministry of Finance and the
- 16 Ministry of Health not below the rank of a Director; and
- 17 (d) six other members one representing each of the six geopolitical
- 18 zones of the country;

1 (e) the Director General of the Council who shall also be the Secretary
2 of the Board.

3 (3) The Chairman and members of the Board other than ex-officio
4 members shall:

5 (a) be appointed by the President; and

6 (b) be persons with proven integrity.

7 (4) The supplementary provisions contained in the Schedule to this
8 Bill shall have effect with respect to the proceedings of the Council and other
9 matters mentioned therein.

Tenure of Office

10 3.-(1) The members of the Board other than ex-officio members
11 appointed under section 2 (2) (a) - (b) of this Bill shall hold office for a period of
12 4 years in the first instance and may be eligible for re-appointment for a further
13 period of 4 years and no more.

14 (2) The members of the Board shall be paid such remuneration and
15 allowances as the Revenue Mobilization Allocation and Fiscal Commission
16 may, from time to time, determine.

17 (3) A member of the Board other than an ex-officio member may
18 resign his appointment by a notice in writing under his hand, addressed to the
19 Minister and which resignation shall take effect immediately upon receipt of
20 same by the Minister.

Cessation of
Membership

21 4.-(1) A member of the Board shall be relieved of his appointment by
22 the President of the Federal Republic of Nigeria if he:

23 (a) becomes of unsound mind;

24 (b) becomes bankrupt or makes a compromise with his creditors;

25 (c) is convicted of a felony or of any offence involving dishonesty;

26 (d) is guilty of serious misconduct in relation to his duties; or

27 (e) is permanently incapacitated and cannot perform his official
28 duties.

29 (2) Where a vacancy occurs in the membership of the Board, it shall
30 be filled by the appointment of a successor in accordance with Section 3 of this

1 Bill to hold office for the remainder of the term of office of his predecessor.

2 5.-(1) The Council shall be at liberty to provide basic welfare,
3 recreational facilities for the elderly as well as stimulate consciousness
4 towards the attainment of higher levels of development and activity for
5 elderly persons in Nigeria and promote international co-operation for the
6 attainment of this objective.

Functions of
the Council

7 (2) In the pursuance of the provisions of subsection (1) of this
8 Section, the Council shall:

9 (a) promote research into matters related to elderly persons;

10 (b) serve as a data bank on matters related to elderly persons;

11 (c) facilitate the formulation of policies affecting elderly persons
12 primarily in areas such as recreation, sports, health and finance;

13 (d) provide for guidance and counselling for elderly persons;

14 (e) provide community based care and support services in areas of
15 recreation, sports, health, housing and finance;

16 (f) liaise with national, regional and international agencies
17 involved in matters related to elderly persons;

18 (g) register and regulate the activities of residential facilities for
19 elderly persons; and

20 (h) implement all legislations applicable to elderly persons.

21 6.-(1) There shall be established a secretariat for the Council.

Establishment
of the Secretariat

22 7.-(1) There shall be appointed for the Council, a Director-General
23 who shall be appointed by the President.

Appointment of
Director-General

24 (2) The Director General shall be:

25 (i) the head of the Secretariat;

26 (ii) responsible for the implementation of the decisions of the
27 Board and the day-to-day administration of the affairs of the Council; and

28 (iii) responsible for keeping the books and records of the
29 proceedings of the Board.

30 (3) The Director-General shall hold office for a period of 4 years in

1 the in the first instance and may be reappointed for a further term of 4 years and
2 no more.

Other staff of
the Council

3 8.-(1) The Board may from time to time appoint such other staff as it
4 may deem necessary to assist the Director General in the performance of his
5 functions under this Bill.

Staff Regulations

6 9.-(1) The staff of the Council appointed under Section 8 of this Bill
7 shall be appointed upon such terms and conditions of service as the Board may,
8 after consultation with the Federal Civil Service Commission, determine.

9 (2) The staff of the Council shall be public officers as defined in the
10 Constitution of the Federal Republic of Nigeria.

Pension

11 10.-(1) Service in the Council shall be public service for the purposes
12 of the Pensions Reform Act and, accordingly, officers and other persons
13 employed in the Council shall, in respect of their service in the Council, be
14 entitled to pension, gratuities and other retirement benefits as are prescribed
15 thereunder, so however that nothing in this Bill shall prevent the appointment
16 of a person to any office on terms which preclude the grant of a pension,
17 gratuity or other retirement benefits in respect of that office.

18 (2) For the purposes of the application of the provision of the Pension
19 Reform Act, any power exercisable thereunder by a Minister or any other
20 authority of the Government of the Federation other than the power to make
21 regulation, is hereby vested in and shall be exercisable by the Council and not
22 by any other person or authority.

Fund

23 11.-(1) The Board shall establish and maintain a fund from which
24 shall be defrayed all expenditure reasonably incurred by the Board for the
25 execution of the functions the Council under this Bill.

26 (2) There shall be paid and credited to the fund pursuant to Sub-
27 Section (1) of this Section:

28 (a) such money as may each year be approved by the Federal
29 Government for the Council; and

1 (b) all other assets which may, from time to time, accrue to the
2 Council.

3 (3) The Council shall be managed in accordance with rules to be
4 made by the Board and without prejudice to the generality of the power to
5 make rules under this subsection, the rules shall in particular contain
6 provisions:

7 (a) specifying the manner in which the assets of the Council are to
8 be held and regulating the making of payments into and out of the Council;
9 and

10 (b) requiring the keeping of proper accounts and records for the
11 purposes of the Council in such form as may be specified in the rules.

12 (3) The Board may, from time to time, apply the proceeds of the
13 Council for following purposes:

14 (a) the cost of administration of the Council and the Board; and

15 (b) the payment of salaries, fees and other remuneration,
16 allowances, pension and gratuities payable to members or employees of the
17 Council or experts or professionals appointed by the Board.

18 12.-(1) The Board shall not later than 31st August submit to the
19 President a Budgetary Provisions.

Budgetary
provisions

20 13.-(1) Subject to the guidelines issued by government from time
21 to time, the Board shall have power to approve the award of Contracts.

Award of contracts

22 14.-(1) The Board may accept gifts of land, money or other
23 property upon such terms and conditions, if any, as may be specified by the
24 persons or organization making the gift; provided that the terms and
25 condition are not contrary to the objectives and functions of the Council
26 under this Bill.

Power to accept
gifts

27 15.-(1) The Board shall keep proper accounts in a form which
28 conforms with accepted commercial standards of its receipts, payments,
29 assets and liabilities and shall submit the accounts annually for auditing by a
30 qualified auditor appointed from the list of auditors and in accordance with

Annual Estimates,
Accounts and
Audit

	1	the guidelines supplied by the Auditor-General of the Federation.
Quarterly Report	2	16.-(1) The Board shall, notwithstanding the provisions of Section 17
	3	of this Bill submit to the Minister a report on its activities every three months.
Annual Report	4	17.-(1) The Board shall not later than three months before the end of
	5	each year submit to the Minister a report on the activities and the administration
	6	of the Council during the immediate preceding year and shall include in such
	7	reports the Auditor's report thereon.
Regulations	8	18.-(1) The Board may with the approval of the Minister make such
	9	regulations as are necessary or expedient for giving full effect to the provisions
	10	of this Bill.
Interpretation	11	19.-(1) In this Bill, unless the context otherwise requires:
	12	"Council" means the National Council for Elderly Persons established by
	13	Section 1 of this Bill;
	14	"Board" means the Governing Board established for the Council under Section
	15	2 (1) of this Bill;
	16	"Elderly Person" means a person who, in the case of a male is 65 years of age or
	17	older and, in the case of a female, is 60 years of age or older;
	18	"Director-General" means the Director General appointed under Section 7 of
	19	this Bill;
	20	"Member" means a member of the Board and includes the Chairman;
	21	"Minister" means the Minister charged with the responsibility for matters
	22	relating to Social Development.
Short Title	23	20.-(1) This Bill may be cited as the National Council for Elderly
	24	Persons (Establishment) Bill, 2019.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

Proceeding of the Board

1.-(1) Subject to this Bill and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be the Chairman and four other members and the quorum of any committee of the Board shall be determined by the Board.

2.-(1) The Board shall meet not less than two times in each year and subject thereto, the Board 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 four other members, he shall summon a meeting of the Board, to be held within fourteen 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 that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter the Board may co-opt him to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this sub-section shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3.-(1) The Board may appoint one or more committees to carry out, on its behalf such functions as it may determine.

(2) A committee appointed under subsection (1) of this section shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board; and a person other than a member of the Board shall hold office on the committee in accordance with

1 the terms of his appointment.

2 (3) A decision of a committee of the Board shall be of no effect until it
3 is confirmed by the Board.

4 *Miscellaneous*

5 4.-(1) The fixing of the seal of the Council shall be authenticated by
6 the signature of the chairman or of any other person authorized generally or
7 specially to act for that purpose by the Board.

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

12 (3) Any document purporting to be a document duly executed under
13 the seal of the Council shall be received in evidence and shall, unless and until
14 the contrary is proved, be presumed to be so executed.

15 5. The validity of any proceeding of the Board or of a Committee
16 thereof shall not be adversely affected by any vacancy in the membership of the
17 Board or Committees, or by any defect in the appointment of a member of the
18 Board or of a Committee, or by reason that a person not entitled to do so took
19 part in the proceedings of the Board or Committees.

EXPLANATORY MEMORANDUM

The Bill seeks to establish a National Council for Elderly Persons for the general purpose of providing welfare and recreational facilities for the elderly and the designing of developmental programmes and activities for the advancement of elderly persons in Nigeria.