

NATIONAL AGENCY FOR THE RESEARCH AND MANAGEMENT OF
PERSONS WITH SPECIAL NEEDS (ESTABLISHMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

Clause:

1. Establishment of the National Agency for the Research and Management of Persons with Special Needs
 2. Establishment and composition of the Governing Council of the Agency
 3. Membership of the Council
 4. Tenure of Office
 5. Emoluments, etc.
 6. Functions of the Agency
 7. Powers of the Council
 8. Structure of the Agency
 9. Staff of the Agency
 10. Pension
 11. Funds of the Agency
 12. Expenditure of the Agency
 13. Annual estimate and expenditure
 14. Annual report.
 15. Power to borrow
 16. Gift to the Agency
 17. Limitation of suits against of the Agency, etc
 18. Power of Minister to give directives
 19. Service of documents
 20. Restriction on execution
 21. Indemnity of Officers
 22. Regulations
 23. Interpretation
 24. Short title
- Schedule

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5.	Remuneration, etc.
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14.	Annual report
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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL AGENCY FOR THE RESEARCH AND MANAGEMENT OF PERSONS WITH SPECIAL NEEDS AND FOR OTHER RELATED MATTERS, 2019

Sponsored by Senator Apiafi, Betty Jocelyn

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

1 **1. There is hereby established a body to be known as the National**
2 **Agency for the Research and Management of Persons with Special Needs**
3 **(in this Bill referred to as "the Agency") which shall be supervised by the**
4 **Federal Ministry of Health;**

Establishment of the National Agency for the Research and Management of Persons with Special Needs

5 **(2) The Agency-**
6 **(a) Shall be a body corporate with perpetual succession and a**
7 **common seal; and**
8 **(b) May sue and be sued in its corporate name;**

9 **2. There is hereby established for the Agency a Governing Council**
10 **(in this Bill referred to as "the Council") which shall consist of:**

Establishment and Composition of the Governing Council of the Agency

11 **(a) Chairman;**
12 **(b) One representative of the Federal Ministry of Employment**
13 **who shall not be, less than a Director, as ex-officio;**

14 **(c) One representative of the Federal Ministry of Health who shall**
15 **not be, less than a Director, as ex-officio;**

16 **(d) One representative of the Federal Ministry of Information and**
17 **Communications, who shall not be less than a Director, as ex-officio;**

18 **(e) one person each to represent the following:**
19 **(i) the Association Chief Medical Directors (CMDs)/Medical**
20 **Directors (MDs) of Tertiary Health Institutions;**

- 1 (ii) the Nigerian Medical Association;
- 2 (iii) The National Association of Nigerian Nurses and Midwives;
- 3 (iv) Non-Governmental Organizations working in any of the special
- 4 needs fields;
- 5 (v) The Director-General shall be Secretary to the Council.

Membership
of the Council

6 3. The Chairman and other Members of the Council shall be

7 appointed by the President.

Tenure of Office

8 4.-(1) The Chairman and members of the council, other than ex-

9 officio members, shall hold office for a term of four years in the first instance

10 and may be reappointed for further term of four years and no more.

11 (2) A person shall cease to hold office as a member if:

12 (a) he dies;

13 (b) he becomes bankrupt, suspend payments or compounds with his

14 creditors;

15 (c) he is convicted by a court of law of a felony or any offence

16 involving dishonesty or fraud;

17 (d) he becomes of unsound mind, or incapable of carrying out his

18 duties;

19 (e) he resigns his appointment by a letter addressed to the President,

20 through the Chairman; or

21 (f) in the case of qualified professional, he is disqualified or

22 suspended from practicing his profession in any part of the world by order of a

23 competent authority made in respect of that mailer.

24 (3) If a member cease to hold office for any reason whatsoever, before

25 the expiration of the term for which he is appointed, another person

26 representing the same interest as that member shall be appointed to the council

27 for his un-expired term.

28 (4) A member may be removed by the President if he is satisfied that it

29 is not in the interest of the Agency or in the interest of the Public that the

30 member continues in office.

1 5. The Chairman and members of the council shall be paid such Emoluments, etc.
2 emoluments, allowances. and benefits as the President may from time to
3 time approve.

4 6. The Agency shall: Functions of the Agency

5 (a) Co-ordinate various research, programmes and projects aimed
6 at improving the health, social and economic well-being of persons with
7 special needs;

8 (b) Collaborate with other Agencies and Ministries of
9 Government, development institutions, Research Institutions and NGOs;

10 (c) Co-ordinate, monitor and advise on all social protection
11 activities of government related to any special needs field;

12 (d) Maintain a data bank on all special needs issues;

13 (e) Maintain an outreach to International Donor Agencies and
14 Development Partners for the welfare of persons with special needs in the
15 country.

16 7. The council shall have powers to: Powers of the Council

17 (a) Regulate all programmes and activities of the Agency;

18 (b) Relate with Community Based Organizations (CBO), Non-
19 Governmental Organizations (NGOs), International Donor Agencies (IDA)
20 and other major stakeholders to facilitate the development of the capacity
21 and capabilities of persons with special needs as well as foster partnership
22 among them;

23 (c) Initiate and implement programmes geared towards the
24 integration of persons with special needs into the society;

25 (d) design strategies aimed at removing all forms of discrimination
26 against persons with special needs in Nigeria.

27 8. The Agency shall be structured into two (2) Directorates and Structure of the Agency
28 four (4) Departments as follows:

29 (a) Directorate of Finance and Administration (F&A);

30 (b) Directorate of Personnel;

- 1 (c) Department of Neurological Deficit Disorders
- 2 (d) Department of Hereditary Blood Disorders;
- 3 (e) Department of Albinism and Related Disorders;
- 4 (f) Department of Non-Communicable Chronic Skin Disorders.

Appointment
of Director-
General

5 9.-(1) There shall be appointed for the Agency by the President, a
6 Director-General who shall be a Medical Physician of not less than Fifteen
7 years post-qualification in any of the Agency. Focused special needs Health
8 areas.

Functions of
the Director-
General

- 9 (2) The Director General shall be-
- 10 (a) The Chief Executive of the Agency;
 - 11 (b) Be responsible for the day -to-day administration of the Agency,
 - 12 keep the books and records of the Council; and
 - 13 (c) be subject to the supervision and control of the Chairman and the
14 Council.

Tenure of Office

15 (3) The Director-General shall hold office for a term of 4 (four) years
16 and may be renewed for another term and no more.

Other Staff of
Agency

17 (4) The Council may from time to time, appoint for the Agency such
18 other, staff, as it may deem necessary to assist the Director-General in the
19 performance of the function of the Agency and the Council.

20 (5) The Terms and Conditions of service (including remuneration,
21 allowances, benefits and pensions) of officers and employees of the Agency
22 shall be determined by the Council on the recommendation of the Federal Civil
23 Service Commission.

24 (6) The staff of the Council shall be:

25 (a) Public Servants as defined in the 1999 Constitution of the Federal
26 Republic of Nigeria; and

27 (b) Governed by the rules governing the Civil Service of the
28 Federation.

Pension

29 10.-(1) Service in the Agency" shall be approved service for the
30 purpose of the Pensions Act and accordingly, officers and other persons

1 employed in the Agency shall, in respect of their Services in the Agency, be
2 entitled to pension, gratuities and other retirement benefits as are Prescribed
3 there under.

4 (2) Notwithstanding subsection (1) of this section, the Agency may
5 appoint a person to any office on the terms, which preclude the grant of a
6 pension, gratuity or retirement benefits.

7 (3) For the purpose of the application of the Pension Act, any power
8 exercisable there under by a Minister or other authority of the Government
9 of the Federation other than the power to make regulations is hereby vested
10 and shall be exercisable by the Council and not by other persons or authority.

11 11.- (1) The Agency shall establish and maintain a fund from which Funds of the
12 shall be defrayed all expenditure incurred by the Agency. Agency

13 (2) There shall be paid and credited to the fund established
14 pursuant to Sub-section (1) of this section:

15 (a) Any allocation to the Agency from the Federation Account;

16 (b) Such monies as may, from time to time be granted or lent to the
17 Agency by the Federal Government or a State Government or, Local
18 Government Council;

19 (c) Such money as may from time to time, be granted or received
20 from:

21 (i) the organized private sector;

22 (ii) international or donor organizations and Non-governmental
23 organizations;

24 (iii) all monies raised for the purposes of the Agency by way of gift,
25 loan, grant-in-aid, testamentary disposition or otherwise;

26 (iv) all other assets that may, from time to time accrue, to the
27 Agency.

28 12. The Agency shall from time to time, apply proceeds of the Expenditure of
29 fund: the Agency

30 (a) To the cost of administration of the Agency;

1 (b) For reimbursing members of the "Council" or any Committee
2 setup by the council for such expense as may authorized by the council in
3 accordance with the rates approved by the Federal Government;

4 (c) For the payment of salaries, fees, other remuneration or
5 allowances, pension and other recruitment benefits, payable to the employee of
6 the Agency;

7 (d) For the maintenance of any property acquired or vested in the
8 Agency;

9 (e) For and in connection with all or any of the functions of the
10 Agency under this Bill.

Annual estimate
and expenditure

11 **13.**-(1) The council shall, not later than 30th September each year
12 submit to the National Assembly an estimate of the expenditure and income of
13 the Agency during the next Preceding year.

14 (2) The Agency shall keep proper account in respect of each financial
15 year and shall cause the accounts to be audited not later than six (6) months
16 after the end of each financial year by auditors appointed from the list of
17 qualified auditors recognized and in accordance with guidelines supplied by
18 the Auditor-General of the Federation.

Annual report

19 **14.** The Agency shall submit to the National Assembly not later than
20 30th June each year, a report, in such form as the National Assembly may direct
21 in the activities of the Agency during the immediate preceding yea, and shall
22 include in the report a copy of the audited accounts of the Agency for the
23 financial year and the auditor's report therein.

Power to borrow

24 **15.** The Agency may with consent of the President, borrow on such
25 terms and conditions as the Agency may determine, such money required for
26 the carrying out its functions.

Gift to the
Agency

27 **16.**-(1) The Agency may accept any gift, grant or donation from any
28 person upon such terms and conditions specified by the person making the gift,
29 grant or donation.

30 (2) The Agency shall not accept any gift, grant under subsection (1) of

1 this section if the conditions attached hereto are in consistent with the
2 functions of the Agency under this Bill.

3 17.- (1) Subject to the provisions of this Bill, the provisions of the
4 Public Officers protection Act shall apply in relation to any suit instituted
5 against any officer or employee of the Agency.

Limitation of
suits against the
Agency, etc.

6 (2) Notwithstanding anything contained in any law or enactment,
7 no suit shall lie or be instituted in any court of law against any member of the
8 Agency, the Director-General or any of other officer or employee of the
9 Agency:

10 (a) For any act done in pursuant or execution of any enactment or
11 law of any public duties of the Agency; or

12 (b) in respect of alleged neglect or default in the execution of any
13 enactment or law, duties or authority, unless it is commenced within three
14 months next after the Act, neglect or default complained of and in the case of
15 a continuance of damage or injury within twelve months after written notice
16 after cessation.

17 (3) No suit shall be commenced against a member of the Agency,
18 the Director-General, officer or employee of the Agency before the
19 expiration of one month after written notice of the intention to commence
20 the suit shall have been served upon the Agency by the intending plaintiff or
21 his agent.

22 (4) The notice referred to in subsection (3) of this section shall
23 clearly and explicitly state the course of action the particulars of the claim,
24 the name and place of abode-of the intending plaintiff and the relief which he
25 claims.

26 18. The Minister may give directives of a general or special
27 character to the Agency relating to the performance by the Agency of any or
28 all of its functions under this Bill, and it shall be the duty of the Agency to
29 comply and give effect to the directives.

Power of Minister
to give directives

Service of documents

1 **19.**-(1) A notice, summons or other documents required or authorized
2 to be served upon the Agency under the provisions of this Act or any other law
3 or enactment may be served Delivering it to the Director-General or by sending
4 it by registered post and addressed to the Director-General as the Principal
5 Officer of the Agency.

Restriction on execution

6 **20.**- (1) In any action or suit against the Agency, no execution or
7 attachment of process in any nature thereof shall be issued the Agency.

8 (2) Any sum of money which may by the judgment of any court be
9 awarded against the Agency shall, subject to any direction given by court
10 where notice of appeal of the said judgment has been given, be paid from the
11 fund of the Agency.

Indemnity of Officers

12 **21.** A member of the Agency or the Director-General or any officer or
13 employee of the Agency shall be indemnified out of the assets of the Agency
14 against any liability incurred by him in defending and proceeding, whether
15 civil or criminal, if the proceeding is brought against him in his capacity as a
16 member, Director -General, officer or other employee of the Agency.

Regulations

17 **22.** The Minister may make regulations for carrying into effect the
18 provisions of this Bill.

Interpretation

19 **23.** In this Bill, unless the context otherwise requires:

20 "Agency" means the National Agency for the Research and Management of
21 Persons with Special Needs;

22 "Council" means the Governing Council;

23 "President" means the President, Commander-in-Chief of the Armed Forces of
24 the Federation Republic of Nigeria;

25 "Public Service" has the meaning assigned to it in the 1999 Constitution (as
26 amended);

27 "Persons with Special Needs" means persons afflicted with:

28 (a) Albinism and I-lypo-pigmentation;

29 (b) Down's Syndrome;

30 (c) Autism;

- 1 (d) Cerebral Palsy;
2 (e) Hydrocephalus/Neural tube disorders;
3 (f) Psoriasis;
4 (g) Vitiligo;
5 (h) Lupus;
6 (i) Scleroderma;
7 (j) Severe Atopic Dermatitis;
8 (k) Lamellar Ichthyosis;
9 (l) Sickle Cell Disorder;
10 (m) Thalassemia;
11 (n) Hemophilia;
12 (o) and any other related medical disorders as may be diagnosed by
13 Medical Experts;

14 "Department of Neurological Deficit Disorders" means the department
15 responsible for Persons afflicted with: Down's syndrome, Autism, Cerebral
16 Palsy, Hydrocephalus/Neural tube disorder and any other related disorders
17 as diagnosed by Medical experts;

18 "Department of Inherited Blood Disorders" means the department
19 responsible for Persons afflicted with: Sickle Cell Disorder, Thalassemia,
20 Hemophilia and any other related disorders as diagnosed by Medical
21 experts;

22 "Department of Albinism and Related Disorders" means the department
23 responsible for Persons afflicted with: Albinism and any other related
24 disorders as diagnosed by Medical experts;

25 "Department of Non-Communicable Chronic Skin Disorders" means the
26 department responsible for persons afflicted with: Psoriasis, Vitiligo,
27 Lupus, Scleroderma, Severe Atopic Dermatitis, Lamellar Ichthyosis and
28 any other related disorders as diagnosed by Medical experts.

29 24. This Bill may be cited as the National Agency for the Research and Management of Persons with Special Needs (Establishment) Bill, 2019. Short title
30

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

3 *Proceeding of the Council*

4 1.-(1) Subject to this Bill and section 27 of the interpretation Act, the
5 council may make standing order regulating its proceedings, or those of any of
6 its committees.

7 (2) The quorum of the Council shall be the Chairman or the person
8 presiding at the meeting and eight other members of the council and the
9 quorum of any committee of the council shall be determined by the council.

10 2.-(1) The council shall meet not less than five times in each year and
11 subject thereto, the council shall meet whenever it is summoned by the
12 Chairman and if the Chairman is required to do so by notice given to him by not
13 less than four other members, he shall summon a meeting of the council to be
14 held within 26 days from the date of which the notice is given.

15 (2) At any meeting of the council, the Chairman shall preside but if he
16 is absent, the members present at the meeting shall appoint one of their member
17 s to preside at the meeting.

18 (3) Where the council desires to obtain the advice of any person on a
19 particular matter, the council may co-opt him to the council for such period as it
20 deem fits, but a person who is in attendance by virtue of this sub paragraph shall
21 not be entitled to vote at any meeting of the council and shall not count towards
22 a quorum.

23 *Committees*

24 3.-(1) The council may appoint one or more committees to carry out
25 on behalf of the committee such functions as the council may determine.

26 (2) A committee appointed under this paragraph shall consist of a such
27 number of persons as may be determined by the council and a person shall hold
28 office on the committee in accordance with the terms of his appointment.

29 (3) A decision of a committee shall be of no effect until it is confirmed
30 by the council.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Agency for the Research and Management of Persons with Special Needs for purposes of coordinating various programmes and projects aimed at improving the health, social and economic well-being of persons with special needs.

