

SOCIAL ASSISTANCE BILL, 2019

ARRANGEMENT OF ACT

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A BILL

FOR

AN ACT TO PROVIDE FOR THE RENDERING OF SOCIAL ASSISTANCE TO EXPECTANT MOTHERS AND YOUNG PERSONS; TO PROVIDE FOR THE PROCESS OF SUCH ASSISTANCE AND TO ESTABLISH THE NIGERIAN SOCIAL ASSISTANCE AGENCY TO PROVIDE FOR THE PROSPECTIVE ADMINISTRATION OF SOCIAL ASSISTANCE IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Chimaroke Nnamani

[] Commencement

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

1 CHAPTER 1 - INTERPRETATION, APPLICATION AND OBJECTS OF ACT

2 1. In this Act, unless the context indicates otherwise-

Interpretation t

3 "Agency" means the Nigerian Social Assistance Agency established by
4 section 16 of this Act;

5 "applicant" means a person who applies for social assistance in respect of
6 himself for herself or on behalf of another person in terms of this Act;

7 "beneficiary" means a person who receives social assistance in terms of
8 sections 6, 7, 8, 9;

9 "Board" means the Governing Board established for the Agency under
10 section 17 of this Act;

11 "Expected mothers" means pregnant woman;

12 "Member" means a member of the Board and includes the Chairman,
13 Managing Director and Executive Directors;

14 "prescribed" means prescribed by regulation;

15 "primary care giver" means a person older than 16 years, whether or not
16 related to a child, who takes primary responsibility for meeting the daily

17 care needs of that child;

1 "regulation" means a regulation made in terms of this Act;

2 "social assistance" means a social grant including social relief of distress;

3 "young persons" means persons below the age of 18 years;

Application and
implementation
of Act

4 2.-(1) This Act applies to Nigeria Citizens.

5 (1) The Agency is responsible for the administration of social
6 assistance in terms of chapter 3 and in terms of any function delegated to it in
7 terms of section 29.

8 (2) The Agency must offer all reasonable maternal assistance from
9 conception to delivery, free early and compulsory primary and secondary
10 education to children, free school feeding program, free health services

11 (3) The Agency must, out of moneys appropriated by National
12 Assembly for this purpose or with funds donated for this purpose, publish and
13 distribute to beneficiaries and potential beneficiaries, brochures in all official
14 languages of the country setting out in understandable language the rights,
15 duties, obligations, procedures and mechanisms contemplated in this Act, as
16 well as contact details of the Agency or anyone acting on its behalf.

Objects of Act

17 3. The objects of this Act are to-

18 (a) provide for the administration of social assistance in accordance
19 with section 2(2);

20 (b) make provision for social assistance and to determine the
21 qualification;

22 (c) ensure that minimum norms and standards are prescribed for the
23 delivery of social assistance;

24 (d) Provide for the establishment of an inspectorate for social
25 assistance.

26 CHAPTER 2 - SOCIAL ASSISTANCE

Provision of
Social grants

27 4. The Minister must, with the concurrence of the Minister of
28 Finance, out of moneys appropriated by the National Assembly for that
29 purpose, make available-

30 (a) Free maternal Care;

1 (b) Free health services;

2 (c) Compulsory free early, primary and secondary education;

3 (d) Free school feeding program;

4 5. -(1) A person is entitled to the appropriate social assistance if he
5 or she-

Eligibility for
social assistance

6 (a) is eligible in terms of section 6, 7, 8, 9;

7 (b) subject to section 17, is resident in Nigeria;

8 (c) is a Nigerian citizen or is a member of a group or category of
9 persons prescribed by the Minister, with the concurrence of the Minister of
10 Finance, by notice in the Gazette;

11 (d) complies with any additional requirements or conditions
12 prescribed in terms of subsection (2)

13 (e) proof of and measures to establish or verify identity, gender,
14 age, citizenship,

15 (2) The Minister may prescribe additional requirements or
16 conditions in respect of-

17 (a) forms, procedures and processes for interventions;

18 (b) measures to prevent fraud and abuse.

19 6. A Mother is, eligible for free maternal care from conception to
20 delivery.

Free maternal
care

21 7. A mother and child is eligible for free health services be it from
22 public or private health providers at the expense of the Agency till the child
23 attains 18 years.

Free health services

24 8. Despite the provisions of the compulsory free education Act
25 2000 a child is eligible for a Compulsory free early, primary and secondary
26 education.

Compulsory free
early primary and
secondary education

27 Free school feeding program;

28 9. A Child eligible for a free square meal a day in both early years,
29 primary and secondary school age.

1 CHAPTER 3 - ADMINISTRATION OF SOCIAL ASSISTANCE

Application for
social assistance2 10.-(1) Any person who wishes to apply for social assistance
3 contemplated in sections 6 to 9 must do so in the prescribed manner.4 (2) In considering an application made in terms of subsection (1), the
5 Agency may conduct an investigation and request additional information.6 (3) (a) If the applicant qualifies for social assistance in terms of this
7 Act, the Agency must render relevant social assistance;8 (b) If the applicant does not qualify for social assistance in terms of
9 this Act, the Agency must in writing at the applicant's address or other point of
10 contact stated in the application, inform the applicant-11 (i) that he or she does not qualify for social assistance in terms of this
12 Act;

13 (ii) the reasons why he or she does not qualify; and

14 (iii) of his or her right of appeal contemplated in section 18 and of the
15 mechanism and procedure to invoke that right.16 (4) No person may divulge any personal information of an applicant;
17 furnished in respect of an application except-18 (a) to a person who requires it in order to perform a function in terms
19 of this Act;

20 (b) when required to do so by law or by an order of court; or

21 (c) with the consent of the applicant.

22 (5) If any information supplied by a beneficiary to the Agency in an
23 application for a grant materially changes after that beneficiary has submitted
24 that application, he or she must as soon as is reasonably possible after that
25 change occurs, inform the Agency thereof.

Appeal

26 11.-(1) If an applicant disagrees with a decision made by the Agency
27 in respect of a matter regulated by this Act, that person or a person acting on his
28 or her behalf may, within 90 days of his or her gaining knowledge of that
29 decision, lodge a written appeal with the Minister against that decision, setting
30 out the reasons why the Minister should vary or set aside that decision.

1 (2) The Minister may, after considering the appeal and the
2 Agency's reasons for the decision-

3 (a) confirm, vary or set aside that decision; or

4 (b) appoint an independent tribunal to consider the appeal in
5 accordance with such conditions as the Minister may prescribe by notice in
6 the Gazette, and that tribunal may, after consideration of the matter vary or
7 set aside that decision.

8 12.-(1) A person is guilty of an offence if such person, when
9 applying for social assistance, furnishes information which he or she knows
10 to be untrue or misleading in a material respect or makes a representation
11 which to his or her knowledge is false, in order that he or she or another
12 person may-

False
representations

13 (a) obtain or retain social assistance to which he or she is not
14 entitled in terms of this Act; or

15 (b) obtain social assistance in excess of that to which he or she is
16 entitled in terms of this Act.

17 (2) If any person receives social assistance knowing that he or she
18 is not entitled thereto, or is not entitled to the full amount which he or she is
19 receiving, and he or she fails to inform the Agency thereof, he or she is guilty
20 of an offence.

21 (3) A beneficiary who knowingly fails to inform the Agency of any
22 material change of information with respect to his or her change of status
23 which renders such a person ineligible is guilty of an offence.

24 13.-(1) The Agency may, in the performance of its functions,
25 inquire into any matter-

Power of Agency
to investigate

26 (a) subpoena any Person who can furnish information of material
27 importance concerning the matter under investigation, or who is reasonably
28 assumed to have under his or her control a book, document or thing that may
29 have a bearing on the investigation, to appear within a reasonable period
30 before it and to furnish such information or to produce such book, document

1 or thing, as the case may be;

2 (b) through its representative administer an oath to that person or
3 cause that person to make an affirmation if that person was or could have been
4 subpoenaed in terms of paragraph (a) and he or she is present at the enquiry;

5 (c) through its representative cross-examine any person referred to in
6 paragraph (b).

7 (2) A subpoena to appear before the Agency must be in the prescribed
8 form and must be served on the person by registered mail or in the manner in
9 which it would have been served had it been a subpoena issued by the clerk of a
10 magistrate's court.

11 (3) The rules with regard to privilege, which are applicable in the case
12 of a person who has been subpoenaed to give evidence or to produce a book,
13 document or thing before a court of law, apply in respect of the examination of a
14 person and the production of a book document or thing contemplated in
15 subsection (1).

16 GENERAL PROVISIONS

Delegation

17 14. -(1) The Minister may in writing-

18 (a) delegate to the Director-General, the Agency, a staff any power
19 conferred upon the Minister by this Act, except the power to make regulations;

20 (b) authorise the Director-General, the agency, a staff to perform any
21 duty imposed upon the Minister by this Act.

22 (2) The Director-General may in writing-

23 (a) delegate to a staff any officer of the Agency any power delegated
24 to him in terms of subsection 1(a);

25 (b) authorise that staff or officer to perform any duty which he or she
26 has been authorised to perform in terms of subsection 1(b).

27 (3) Any person to whom a power has been delegated or who has been
28 authorised to perform a duty in terms of subsections (1) or (2), must exercise
29 that power or perform that duty subject to the conditions determined by the
30 person who effected the delegation or granted the authorisation.

1 (4) Any delegation of a power or authorisation to perform a duty
2 under subsection 1-

3 (a) does not prevent the person who effected the delegation or
4 granted the authorisation from exercising that power or performing that duty
5 himself or herself;

6 (b) may at any time be amended or withdrawn in writing by the
7 person who effected the delegation or granted the authorization.

8 NIGERIAN SOCIAL SECURITY AGENCY

9 15.-(1) The Nigerian Social Assistance Agency is hereby
10 established. Establishment
of Agency

11 (2) The Agency-

12 (a) shall be a body corporate with perpetual succession and a
13 common seal;

14 (b) may sue and be sued in its corporate name.

15 (3) The Agency shall have its head office in Abuja and branch
16 offices in the 36 states of the Federation and the Federal Capital Territory
17 Abuja

18 16.-(1) There is hereby established for the Agency a Governing
19 Board (in this Act referred to as "the Board"), which shall consist of- Establishment of
Government
Council of the
Agency

20 (a) a chairman;

21 (b) Six members one each from the six Geo-political zones;

22 (c) a representative of the Federal Ministry of Finance;

23 (d) a representative of the Federal Ministry of Justice;

24 (e) the Executive secretary; and

25 (f) two Executive Directors.

26 (2) The Chairman and other members of the Board shall-

27 (a) be appointed by the President, Commander-in-Chief Armed
28 Forces, subject to the confirmation of the Senate;

29 (b) be persons of proven integrity and ability.

30 (3) The members of the Board referred to in paragraph (d) of

1 subsection (i) of this Section shall be part-time members.

2 (4) The supplementary provision set out in the schedule to this Act
3 shall have effect with respect to the proceedings of the Board and the other
4 matters contained therein.

Tenure of office

5 17.-(1) Subject to the provisions of this Act a member of the Board,
6 other than an ex-officio member, shall hold office for a term of 4 years at the
7 first instance and may be reappointed for a further term of 4 years and no more.

8 (2) A member of the Board other than ex-officio members, may resign
9 his appointment by notice, in writing under his hand addressed to the President
10 Commander-in-Chief of the Armed Forces.

Cessation of
Membership of
the Board.

11 18.-(1) notwithstanding the provisions of section 18 of this Act, a
12 person shall cease to hold office as a member of the Board if-

13 (a) he becomes bankrupt, suspends payment or compounds with his
14 creditors;

15 (b) he is convicted of a felony or any offence involving dishonesty or
16 fraud;

17 (c) he becomes of unsound mind, or incapable of carrying out his
18 duties;

19 (d) he is guilty of a serious misconduct in relation to his duties;

20 (e) in the case of a person possessed of professional qualification, he
21 is disqualified or suspended, other than at his own request, from practicing his
22 profession in any part of the world by an order of a competent authority made in
23 respect of that member; or

24 (f) he resigns his appointment by a letter addressed to the President,
25 Commander-in-Chief of the Armed Forces

26 (2) Where a vacancy occurs in the membership of the Board, it shall
27 be filled by the appointment of a successor to hold office for the remainder of
28 the term of office of his predecessor, so however, that the successor shall
29 represent the same interest and shall be appointed by the President,

1 Commander-in-Chief of Armed Forces subject to the confirmation of the
2 Senate.

3 19. members of the Board shall be paid such remunerations and
4 allowances as the Federal Government may, from time to time, determine
5 for the chairman and members of statutory board generally

Allowances of
Members

6 20. The objects of the Agency are to-

Objects of Agency

7 (a) act, eventually, as the sole agent that will ensure the efficient
8 and effective management, administration and payment of social assistance;

9 (b) serve as an agent for the prospective administration and
10 payment of social assistance; and

11 (c) render services relating to such payments.

12 21.-(1) The Agency must-

Functions of
Agency

13 (a) administer social assistance accordance with the provision of
14 section 3 of this bill and perform any function delegated to it under that Act;

15 (b) collect, collate, maintain and administer such information as is
16 necessary for the payment of social security, as well as for the central
17 reconciliation and management of payment of transfer funds, in a national
18 data base of all applicants for and beneficiaries of social assistance;

19 (c) establish a compliance and fraud mechanism to ensure that the
20 integrity of the social assistance system is maintained; and

21 (d) render any service in accordance with an agreement or a
22 provision of any applicable law as contemplated in subsection (4).

23 (2) The Agency may-

24 (a) with the concurrence of the Minister enter into an agreement
25 with any person to ensure effective payments to beneficiaries, and such an
26 agreement must include provisions contemplated in subsection (3).

27 (b) do anything necessary for the realisation of the Agency's
28 objects.

29 (3) The agreement contemplated in subsection (2) (a) must include
30 provisions to ensure-

- 1 (a) the effective, efficient and economical use of funds designated for
2 payment to beneficiaries of social security;
- 3 (b) the promotion and protection of the human dignity of applicants
4 for and beneficiaries of social Assistance ;
- 5 (c) the protection of confidential information held by the Agency;
- 6 (d) honest, impartial, fair and equitable service delivery;
- 7 (e) mechanisms to regulate community participation and
8 consultation; and
- 9 (f) financial penalties for non-compliance with the provisions of the
10 agreement.

11 PART IV - STAFF OF THE COMMISSION.

Appointment
of Executive
Secretary, etc.

12 22.-(1) There shall be for the Agency, an Executive secretary and two
13 Executive Directors who shall-

- 14 (a) have such qualification and experience as are appropriate for a
15 person required to perform functions of that office under this Act;
- 16 (b) be the Chief executive and accounting officer of the Agency; and,
- 17 (c) hold office on such terms and conditions as to emolument,
18 conditions of service as may be specified in his letter of appointment.

19 (2) The Managing Director shall, subject to the general direction of
20 the Board, be responsible-

- 21 (a) for the day to day administration of the Agency;
- 22 (b) for keeping the books and proper records of the proceedings of the
23 Board; and
- 24 (c) for-
- 25 (i) the administration of the Secretariat of the Board; and
- 26 (ii) the general direction and control of all other employees of the
27 chairman.

28 (3) The Board shall have to-

- 29 (a) employ either directly or on secondment from any civil or public
30 service, in the Federation or a State such number of employees as may, in the

1 opinion of the Board, be required to assist the Board in the discharge of any
2 of its functions under this Act; and

3 (b) pay to persons so employed such remuneration (including
4 allowances) as the Board may determine.

5 23.-(1) Service in the Agency shall be approved service for the
6 purposes of the Pension Act.

Service in the
Agency to be
pensionable

7 (2) The officers and other persons employed in the agency shall be
8 entitled to pensions, gratuities and other retirement benefits as are enjoyed
9 by persons holding equivalent grades as appropriate.

10 (3) Nothing in subsections (1) and (2) of this Section shall prevent
11 the appointment of a person to any office on terms which preclude the grant
12 of pension and gratuity in respect of that office.

13 (4) For the purposes of the application of the provisions of the
14 Pensions Act, any power exercisable there under by the Minister or other
15 authority of the Government of the Federation, other than the power to make
16 laws is hereby vested in and shall be exercisable by the Agency, and not by
17 any other person or authority.

18 24.-(1) The Agency shall establish and maintain a fund from which
19 it shall defray expenses and the sources of the fund shall-

Funds of Agency

20 (a) money appropriated by the National Assembly;

21 (b) grants made to the Agency by a designated institution;

22 (c) donations or contributions received by the Agency with the
23 approval of the Minister, subject to subsection (3);

24 (d) fees for services rendered to any designated institution in terms
25 of a service agreement.

26 (2) The Agency must utilize its funds to defray expenses incurred
27 by it in the performance of its functions.

28 (3) The Agency must utilise the donations and contributions
29 referred to in subsection (1) (c) in accordance with the conditions, if any,
30 imposed by the donor or contributor concerned, but those conditions shall

1 not be inconsistent with the objects of the Agency as contained in this Act or
2 any other law.

Expenditure of
the Agency

3 25. The Agency shall apply the proceeds of the fund established
4 pursuant to section 14 of this Act to-

5 (a) the cost of administration of the Agency;

6 (b) the payment of salaries, fees, remuneration, allowances, pensions
7 and gratuities payable to the members of the Board specified in section 6 of this
8 Act or any Committee of the Board and the employees of the Agency;

9 (c) the payment for all contracts, including mobilization, fluctuations,
10 variations, legal fees and cost on contract administration;

11 (d) the payment for all purchases; and

12 (e) undertaking such other activities as are connected with all or any
13 of the functions of the Agency under this Act.

Gifts to the
Agency

14 26.-(1) The Agency may accept gifts of land, money or other property
15 on such terms and condition that may be specified by the person or organization
16 making the gift.

17 (2) The Agency shall not accept any gift if the conditions attached by
18 the person or organization making the gift are inconsistent with the functions of
19 the Agency under this Act.

Power to borrow
money

20 27. The Agency may, with the consent of the President, Commander-
21 in-Chief of the Armed Forces, borrow, on such terms and conditions as the
22 Agency may require in the exercise of its functions under this Act.

Annual Estimates
and Expenditure

23 28.-(1) The Board shall, not later than 30th September in each year,
24 submit to the President, Commander-in-Chief of the Armed Forces an estimate
25 of the expenditure and income of the Agency during the next succeeding year.

26 (2) The Board shall cause to be kept proper accounts of the Agency in
27 respect of each year and proper records in relation thereto and shall cause the
28 accounts to be audited not later than 6 months after the end of each year by
29 auditors appointed from the list in accordance with the guidelines supplied by
30 the Auditor-General for the Federation.

1 against any Officer or employee of the Agency.

Service of
Documents

2 **33.** A notice, summons or other document required or authorised to
3 be served upon the Agency under the provisions of this Act or any other law or
4 enactment may be served by delivering it to the Managing Director or by
5 sending it by registered post and addressed to the Managing Director at the
6 principal office of the Commission.

Restriction on
execution against
property of the
Agency

7 **34.**-(1) In any action or suit against the Agency, no execution or
8 attachment of process against the Agency unless not less than three months'
9 notice of the intention to execute or attachment has been given to the Agency

Indemnity of
Officers

10 **35.** A member of the Board, the Managing Director, any officer or
11 employee of the Agency shall be indemnified out of the assets of the Agency
12 against any proceeding, whether civil or criminal, in which judgment is given
13 in this favour or in which he is acquitted, if any such proceeding is brought
14 against him in his capacity as a member of the Board, the Managing Director,
15 officers or employee of the Agency.

Regulations

16 **36.** The Agency may, with the approval of the President, Commander-
17 in-Chief of the Armed Forces, make regulations, generally for the purposes of
18 giving full effect to this Act.

Offences

19 **37.** A person is guilty of an offence if he or she-

20 (a) hinders or obstructs the Agency in the performance of his or her
21 functions in terms of this Act;

22 (b) refuses or fails to comply with a requirement or request which the
23 Agency has lawfully set or made in the performance of his or her functions in
24 terms of this Act;

25 (c) intentionally furnishes the Agency with false or misleading
26 information;

27 (d) has been subpoenaed under section 12 and fails or refuses,
28 without sufficient cause, to-

29 (i) appear at the time and place specified in the subpoena;

30 (ii) remain in attendance until excused by the person presiding at the

1 enquiry from further attendance; or

2 (iii) take an oath or to make an affirmation as a witness.

3 38. A person convicted of an offence in terms of this Act is liable, Penalties
4 unless different provision is specifically made, to a fine or imprisonment for
5 a period not exceeding 15 years, or to both a fine and such imprisonment.

6 39. This Bill may be cited as the Social Assistance Bill, 2019. Citation

7 SCHEDULE

8 *Section 16 (4)*

9 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

10 *Proceedings of the Board*

11 1.-(1) Subject to this Act and section 27 of the Interpretation Act,
12 the Board may make standing orders regulating its proceedings or those of
13 any of its Committees.

14 (2) The Board shall meet whenever it is summoned by chairman is
15 required to do so by notice given to him by not less than 4 other members, he
16 shall summon a meeting of the Board to be held within 14 days from the date
17 on which the notice is given.

18 2.-(1) the Board may appoint one or more Committees to carry out,
19 on behalf of the Board such functions as the Board may determine.

20 (2) A Committee appointed under this paragraph shall consist of
21 such number of persons as may be determined by the Board and a person
22 shall hold office on the Committee in accordance with the terms of his
23 appointment.

24 (3) A decision of a Committee of the Board shall be of no effect
25 until it is confirmed by the Board.

26 *Miscellaneous*

27 3.-(1) The fixing of the seal of the Committee shall be
28 authenticated by the signature of the Chairman and the Secretary to the
29 Board.

30 (2) A document purporting to be a document duly executed under

1 the seat of the Commission shall be received in evidence and shall, unless and
2 until the contrary is proved, be presumed to be so executed

3 (3) The validity of any proceedings of the Board or of a Committee
4 shall not be adversely affected by-

5 (a) a vacancy in the membership of the Board or Committee;

6 (b) a defect in the appointment of a member of the Board or
7 Committee; or

8 (c) reason that a person not entitled to do so took part in the
9 proceedings of the Board or Committee.

10 (4) Notwithstanding anything contained in any other law or
11 enactment, no suit shall lie against any member of the Board, the Managing
12 Director or any other officer or employee of the Agency for any act done in
13 pursuance or execution of this Act or any other law or enactment, or of any
14 alleged neglect or default in the execution of this Act or such law or enactment,
15 duty or authority, shall lie or be instituted in any court unless-

16 (a) it is commenced within three months next after the Act, neglect or
17 default complained of; or

18 (b) in the case of a continuation of damage or injury, within six
19 months next after the leasing thereof.

20 (5) Any sum of money which by the judgment of any court has been
21 awarded against the Agency shall be subject to any direction given by the court,
22 where no notice of appeal against the judgment has been given be paid from the
23 fund of the Agency.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the rendering of social assistance to expectant mothers and young persons; to provide for the process of such assistance and to establish the Nigerian Social Assistance Agency to provide for the prospective administration of social assistance in Nigeria.