A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COMMISSION ON CHILD DESTITUTION IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Senator Aliyu Magatakarda Wamakko

ſ Commencement ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-1 PART I - ESTABLISHMENT, ETC. OF THE NATIONAL COMMISSION ON 2 CHILD DESTITUTION 3 1.-(1) There is hereby established a body to be known as the Establishment of the National National Commission on Child Destitution in Nigeria to serve as an 4 Commission on Child Destitution 5 intervention programme to eradicate, rehabilitate and prohibit the menace of in Nigeria Child Destitution in Nigeria (in this Act referred to as "the Commission"). 6 7 (2) The Commission-8 (a) shall be a body corporate with perpetual succession and a 9 common seal; and 10 (b may sue and be sued in its corporate name. 11 (3) may hold, acquire and dispose of any property or interest in property, movable or immovable for the purposes of its functions under this 12 13 Act. 2.-(1) There is hereby established for the Commission a Governing 14 Membership of the Commission Board (in this Act referred to as "the Board") which shall consist of-15 (a) a Chairman to be appointed by the President in consultation 16 17 with the National Assembly: 18 (b) two representatives from the traditional institution; (c) two representatives from each of the six geopolitical zones; 19 20 (d) a representative of civil society organizations;

	1	(e) a representative of the Federal Ministry of Education;
	2	(f) a representative of the Ministry of Interior;
	3	(g) a representative of the Ministry of Justice;
	4	(h) a representative of the Ministry of Youth;
	5	(i) a representative of the Ministry of Finance;
	6	(j) the Secretary.
	7	(2) Members of the Board, other than the Chairman and Secretary,
	8	shall be part-time members.
	9	(3) The provisions of the first schedule to this Act shall apply with
	10	respect to the proceedings of the Board and other matters mentioned therein.
Tenure of Office	11	3(1) The chairman and members of the Board, other than the ex-
	12	officio members, shall hold office for a term of 4 years in the first instance and
	13	may be reappointed for a further term of 4 years and no more.
	14	(2) Notwithstanding the provisions of the subsection (1) of this
	15	section, a member of the Board shall cease to hold office as a member if:
	16	(a) he resigns his appointment as a member of the Board by a notice
	17	under his hand addressed to the President through the Chairman;
	18	(b) he is convicted of a felony or any offence involving dishonesty or
	19	corruption;
	20	(c) he becomes incapable of carrying out the functions of his office
	21	arising from infirmity of mind or body; or
	22	(d) the President is satisfied that it is not in the interest of the
	23	Commission or in the interest of the public for the person to continue in the
•	24	office and notifies the member in writing to that effect.
	25	(3) If a member of the Board dies or resigns or otherwise vacates his
	26	office before the expiration of the term for which he is appointed, a fit and
	27	proper person shall be appointed for the remainder of the term of office of the
	28	predecessor, and shall represent the same interest.
Emolument, etc.	29	4. The Chairman and members of the Board shall be paid such
	30	emoluments, allowances and incidental expenses as the Revenue Mobilization

Ţ	Allocation and Fiscal Commission may, from time to time, approve.	
2	PART II - FUNCTIONS AND POWERS OF THE COMMISSION	
3	5. The Commission shall-	Functions of the
4	(a) formulate policy guidelines and strategies for the successful	Commission
5	eradication of child destitution in Nigeria;	
6	(b) organize mass sensitization campaign to enlighten the society	
7	on the dangers of child destitution throughout Nigeria;	
8	(c) advise the "ederal Government on the funding and orderly	
9	rehabilitation of victims s child destitution;	
10	(d) identify and coordinate the activities of stakeholders who are	
11	directly involved in the practice of all forms of institutionalized child	
12	destitution with a view to reforming it;	
13	(e) collate and prepare after consultation with States and Local	
14	Governments and other relevant stakeholders, periodic master plans for the	
15	total eradication of child destitution in Nigeria including areas of possible	•
16	intervention in early childhood care and development centers;	•
17	(f) recommend to the Federal Government the possibilities of co-	
18	opting identified Destitute Children Education Centers into the Federal	
19	Government Compulsory Free Universal Basic Education;	
20	(g) make recommendation on how to fund the Destitute Children	
21	Education Centers, on the basis of specified fee per child for each center as	
22	the Commission deem fit;	
23	(h) present periodic progress reports on the implementation of the	
24	Commission to the President through the Minister;	
25	(i) coordinate the implementation of the provisions of this Act with	•
26	relevant non-governmental organizations and multilateral Agencies;	
27	(j) liaise with donor agencies and other developmental partners on	
28	matters relating to the program;	
29	(k) carry out such other activities that are relevant and conducive to	
30	the effective discharge of its functions under this Act.	•

Powers of the Commission	1	6. The Commission shall have powers to-
Commission	2	(a) draw up generally acceptable guidelines on how to eradicate child
	3	destitution;
4	4	(b) draw up an acceptable curriculum of activities for destitute
	5	children;
	6	(c) disburse funds and monitor proper utilization;
	7	(d) do anything which in the opinion of the Commission is necessary
	8	to ensure efficient performance of its functions under this Act.
	9	PART III - STAFF OF THE COMMISSION
Appointment of the Secretary	10	7(1) there shall be for the Commission a Secretary who shall-
and other staff of the Commission	11	(a) be appointed by the President;
	12	(b) be responsible for the day-to-day administration of the
	13	Commission;
·	14	(c) possess skills and 10 years cognate experience.
	15	(2) The Chairman, in addition to chairing the Board, shall also be the
	16	chief executive of the Commission.
	17	(3) The Secretary shall, subject to the general control of the Board, be
	18	responsible for:
	19	(a) The execution of the policies and decisions of the Board and its
	20	day-to-day operations and administration;
	21	(b) keeping records of proceedings of the Board;
	22	(c) the direction and control of all other employees.
	23	(4) The Secretary shall hold office-
	24	(a) for 4 years in the first instance and may be reappointed for a
	25	further term of 4 years and no more; and
	26	(b) on such terms and conditions as to emoluments and otherwise as
	27	may be specified in his letter of appointment.
Other Staff of he Commission	28	8(1) The Board shall have power to appoint for the Commission
	29	such other employees as it may deem necessary for the efficient performance of
	30	its functions under this Act and shall have power to pay persons so employed

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disciplinary measures.

	3 (7) 7) 7)
1	such remuneration (including allowances) as the Commission may
2	determine with the approval of the Revenue Mobilization Allocation and
3	Fiscal Commission.
4	(2) The power of the Commission under subsection (1) of this
5	section shall include the power to:
6	(a) Promote and control staff as may appear to the Commission
7	necessary and expedient;
8	(b) Dismiss, terminate, consider the resignation or withdrawal of
9	appointment and exercise deciplinary control over the staff of the
10	commission, other than the Secretary.
11	(3) The Board may delegate to the Secretary, generally or
12	specifically, the power to appoint such categories of staff of the commission
1,3	as the commission may from time to time specify.
14	9(1) It is hereby declared that service in the Commission shall be Staff Pension
15	approved service for the purpose of the Pension Reforms Act, 2014, and
16	accordingly, staff and employees of the Commission shall be entitled to
17	pension, gratuities and other retirement benefits as prescribed under the Act.
18	(2) Without prejudice to the provisions of subsection (1) of this
19	section, nothing in this Act shall prevent the appointment of person to any
20	office on terms which preclude the grant of pension, gratuity or any other
21	retirement benefit in respect of that office.
22	10. The Commission may subject to the provision of this Act, be Staff Regulation
23	guided by extant Civil Service Rules and Financial Regulations in
24	determining staff regulations relating generally to the conditions of service
25	of its employees and without prejudice to the generality of the foregoing,
26	such regulations may provide for-
27	(a) The appointment, promotion and disciplinary control
28	(including dismissal) of employees of the Commission; and

(b) appeals by such employees against dismissal or other

	1	PART IV - FINANCIAL PROVISION
unds of the commission	2	11(1) The Commission shall establish and maintain a fund which
	3	shall consist of-
	4	(a) Initial takeoff grant from the federal government;
	5	(b) annual subvention from the government;
	6	(c) States counterpart funding to be deducted at source at 0.5% of their
	7	statutory allocation;
	8	(d) 1.0% of the Education Tax Fund and UBEC Fund;
	9	(e) subject to section 12 of this Act, all other sums accruing to the
	- 10	Commission by way of grants-in-aid, gift, testamentary dispositions
	11	endowments and donations made to the Commission;
	12	(f) such other sums as may accrue from time to time, to the
	13	Commission.
	14	(2) The Commission shall from time to time apply the proceeds of the
•	15	fund established pursuant to subsection (1) of this section:
·	16	(a) to the cost of administration of the Commission;
	17	(b) to the payment of the salaries, fees or other remuneration or
	18	allowance payable to the officers and employees of the Commission, so
	19	however that no payment of any kind under this paragraph (except such as may
	20	be expressly authorized under any other enactment or regulation in force) shall
	21	be made to any such person who in receipt of emoluments from the government
•	22	of the Federation or of a State;
	23	(c) to reimbursing members of the board for such expenses as may be
	24	expressly authorized by the Commission in accordance with rates approved by
	25	the Board;
	26	(d) for the maintenance of any property vested in the Commission;
	27	and
τ.	28	(e) for and in connection with all or any of the functions of the
	29	Commission under this Act.

Power to accept

12.-(1) The Commission may accept any grant or donation of land,

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		Donations Grant
:	money or other property from any person or organization upon such terms	
	and conditions as are acceptable to the extant laws of the federation.	
•	(2) The Commission shall not accept any grant or donation if the	
;	condition attached thereto by the person or organization making the grant or	
,	donation are inconsistent with the functions of the Commission.	
	13(1) The Commission shall, not later than 30th September in	Annual Estimates
;	each year, submit to the presidency an estimate of its expenditure and	gnu Account
•	income (including estimate of expected payments into the fund of the	
0	Commission) during the next succeeding year.	
1	(2) The Commission shall keep proper accounts in a form which	
2	conforms to acceptable accounting standards, and proper records in	
3	relations thereto and the account shall be audited as provided in subsection	
4	(3) of this section.	
5	(3) The accounts of the Commission shall be audited at the end of	
6	each calendar year by auditors appointed in accordance with the guidelines	
7	supplied by Auditor-General for the Federation and fees of the auditors and	
8 .	the expenses for the audit generally shall be paid from the fund of the	•
9	Commission.	
0.0	14(1) The Commission shall, not later than six months after the	Annual Reports
:1	end of each year, submit to the presidency, a report on the activities of the	
22 :	Commission and its administration during the preceding year and shall	
13	include in the report the audited accounts of the Commission and the	
4	comments thereon.	
.5	PART V - LEGAL PROCEEDINGS	
26	15(1) The provisions of the Public Protection Act shall apply in	Limitations of suits against the
7	relation to any suit instituted against any officer or employee of the	Commission Cap. 380 LFN,
18	Commission.	1990
.9	(2) No suit shall be commenced against a member of the Board, the	
0	Secretary, officer or employee of the Commission before the expiration of a	

		period of one month after written notice of intention to commence the suit shall
	Ź	have been served upon the Commission by the intending plaintiff or his agent.
	2	(3) The notice referred to in Subsection (2) shall state the cause of
	۷	action, particulars of the claims, the name and place of abode of the intending
	5	plaintiff and the relief which he claims.
Service of Documents	6	16. A notice, summons or any other document required or authorized
	7	to be served upon the Commission under the provisions of this Bill or any other
	8	law or enactment may be served by delivering it to the Secretary at the principal
	9	office of the Commission.
Restriction on execution against	1(17(1) No execution or attachment of process shall be issued against
property of the Commission	11	the Commission in any action or suit without the consent of the Attorney-
•	12	General of the Federation.
	13	(2) Any sum of money which may arise from the judgment of any
	14	court against the Commission shall, subject to any direction given, be paid
	15	from the general reserve fund of the Commission.
Indemnity of Officers	16	18. A member of the Board, the Secretary, any officer or employee of
	17	the Commission shall be indemnified out of the assets of the Commission
	18	against any proceeding, whether civil or criminal, in which judgment is given
	19	in his favor, or in which he is acquitted, if any such proceeding is brought
	20	against him in his capacity as member of the Board, the Secretary, officer or
	21	employee of the Commission.
Interpretation	22	19. In this Act unless the context otherwise requires-
	23	"Commission" means the National Commission on Child Destitution in
	24	Nigeria;
	25	"Child Destitution" means the system of sending out children to beg on the
	26	sfreet;
	27	"Minister" means the Minister in charge of Education;
	28	"President" means President and Commander-in-Chief of the Armed Forces,
	29	Federal Republic of Nigeria.

1	20. This Bill may be cited as the National Commission on Child	Citation
2	Destitution in Nigeria (Establishment, etc.) Bill, 2019.	
3	SCHEDULE	
4	Supplementary Provisions Relating To The Board, Etc.	
5	Proceedings of the Board	
6	1 (1) Subject to this Bill, the Board may make standing orders	
7	regulating its proceedings or those of any of its committees.	
8	(2) The quorum of the Board shall be the Chairman, or the person	
9	presiding at the meeting, and seven other members of the Board, one of	
10	whom shall be ex-officio member, and the quorum of any committee of the	
11	Board shall be as determined by the Board.	
12	2(1) The Board shall meet whenever it is summoned by the	
13	chairman and if the chairman is required to do so by notice given to him by	
14	not less than 7 other members; he shall summon a meeting of the Board to be	
15	held within 24 days from the date on which the notice is given.	
16	(2) Where the Board desires to obtain the advice of any person on a	
17	particular matter, the Board may coopt him to the Board for such period as it	
18	deems fit, but a person who is in attendance by virtue of this subparagraph	
19	shall not be entitled to vote at any meeting of the Board and shall not count	
20	towards a quorum.	
21	Committee	
22	3(1) The Board may appoint one or more committees to carry out,	
23	on behalf of the Board such functions as the Board may determine.	
24	(2) The committee appointed under this paragraph shall consider	
25	such number of persons as may be determined by the Board and a person	
26	shall hold office in the Committee in accordance with the terms of his	
27	appointment.	
28	(3) A decision of a committee of the Board shall be of no effect until	
29	it is confirmed by the Board.	
30	4(1) The fixing of the seal of the Commission shall be	

authenticated by the signature of the Chairman or any other member of the 1 Board generally or specifically authorized by the Board to act for that purpose. 2 3 (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be 4 made or executed on behalf of the Commission by the Secretary or any person 5 generally or specifically authorized by the Board to act for that purpose. 6 (3) A document purporting to be a document duly executed under the 7 seal of the Commission shall be received in evidence and shall, unless and until 8 the contrary is proved, be presumed to be so executed. 9. 5. The validity of any proceedings of the Board or of a committee shall 10 11 not be adversely affected by-12 (a) a vacancy in the membership of the Board or committee; 13 (b) a defect in the appointment of a member of the Board or 14 committee; or 15 (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee. 16 EXPLANATORY MEMORANDUM This Bill seeks to provide for the establishment of the 'National Commission on Child Destitution' in Nigeria to serve as an intervention program to eradicate the practice of Child Destitution in Nigeria. But the Page of the Contract of the Contract the transfer of the second of the contribution of the first the state of the contribution of the state of the sta

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