

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

[] 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
4 National Commission on Child Destitution in Nigeria to serve as an
5 intervention programme to eradicate, rehabilitate and prohibit the menace of
6 Child Destitution in Nigeria (in this Act referred to as "the Commission").

Establishment of the National Commission on Child Destitution in Nigeria

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
12 property, movable or immovable for the purposes of its functions under this
13 Act.

14 2.-(1) There is hereby established for the Commission a Governing
15 Board (in this Act referred to as "the Board") which shall consist of-

Membership of the Commission

16 (a) a Chairman to be appointed by the President in consultation
17 with the National Assembly;

18 (b) two representatives from the traditional institution;

19 (c) two representatives from each of the six geopolitical zones;

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

1 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
Commission

4 (a) formulate policy guidelines and strategies for the successful
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 Federal Government on the funding and orderly
9 rehabilitation of victims of 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.

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 disciplinary 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
13 as the commission may from time to time specify.

14 9.-(1) It is hereby declared that service in the Commission shall be
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.

Staff Pension

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
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-

Staff Regulation

27 (a) The appointment, promotion and disciplinary control
28 (including dismissal) of employees of the Commission; and

29 (b) appeals by such employees against dismissal or other
30 disciplinary measures.

Funds of the
Commission

1 PART IV - FINANCIAL PROVISION

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

28 (e) for and in connection with all or any of the functions of the
29 Commission under this Act.

1 period of one month after written notice of intention to commence the suit shall
2 have been served upon the Commission by the intending plaintiff or his agent.

3 (3) The notice referred to in Subsection (2) shall state the cause of
4 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
property of the
Commission

10 17.-(1) No execution or attachment of process shall be issued against
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 street;
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 authenticated by the signature of the Chairman or any other member of the
2 Board generally or specifically authorized by the Board to act for that purpose.

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

7 (3) A document purporting to be a document duly executed under the
8 seal of the Commission shall be received in evidence and shall, unless and until
9 the contrary is proved, be presumed to be so executed.

10 5. The validity of any proceedings of the Board or of a committee shall
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
16 proceedings of the Board or committee.

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.