

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AGENCY FOR POVERTY ALLEVIATION AND SOCIAL SECURITY WHICH SHALL BE RESPONSIBLE FOR THE ERADICATION OF POVERTY AND PROVISION OF SOCIAL SECURITY ; AND FOR CONNECTED PURPOSES

Sponsored by SENATOR LEKAN BALOGUN

[**I** Commence-
ment.

1 ENACTED by the National Assembly of the Federal Republic of Nigeria—

2 1 •—(1) There is established an agency to be known as the Agency for
3 Poverty Alleviation and Social Security (in this Act referred to as "the
4 Agency".

Establishment
of Agency.

5 (2) The Agency shall be a body corporate with perpetual succession
6 and a common seal and may sue and be sued in its corporate name.

7 (3) The Agency shall be under the direction and supervision of the
8 National Planning Commission and shall have it's Headquarters in the Federal
9 Capital Territory.

10 2. The objectives of the Agency shall be to—

The objective
of the
Agency.

11 (a) design and implement programs to reduce the growth of poverty
12 in the Country;

13 (b) articulate policies aimed at developing work programs with labour
14 intensive potential in order to reduce unemployment;

15 (c) liaise with other government agencies in order to provide the
16 necessary facilities towards checking increase in poverty in the Country;

17 (d) obtain and maintain a data bank on poverty situation in the country
18 and to liaise with other agencies, government and private organizations
19 with a view to secure employment opportunities to participants ; and

20 (e) implement any other policy as may be directed by from time to time
21 by the Board established under Section 3 of this Act.

**Establish-
ment and
functions of
the Board.**

1 3.—(1) There shall be for the Agency a management Board (in this Act
2 referred to as "the Board") which shall give guidelines for the management
3 of the affairs of the Agency.

4 (2) The Board shall consist of a chairman who shall be the Minister,
5 National Planning Commission and 15 other members who shall be appointed
6 by the President, Commander-in-Chief of the Armed Forces on the
7 Recommendation of the Minister.

8 (3) The membership of the Board shall be—

9 (a) a representative of the National Directorate of Employment;

10 (b) a representative of the Peoples Bank of Nigeria;

11 (c) a representative of the National Social Insurance Trust fund ;

12 (d) a representative of the Poverty Alleviation Bank ;

13 (e) a representative of each of the following Ministries—

14 (i) Finance;

15 (ii) Health;

16 (iii) Education ; and

17 (iv) Agriculture ;

18 (v) two representatives each from the six geo-political zones ; and

19 (g) the Secretary.

20 (4) A person appointed as a member of the Board (not being an ex-
21 officio member) shall hold office for a period of four years in the first instance
22 and shall be eligible for re-appointment for a further term of four years and
23 no more.

24 (5) The Board shall be responsible for the formulation of policy
25 guidelines for the Agency including the financial and operational
26 programs and shall ensure the effective implementation of such policies
27 and programs.

28 (6) The Board shall have power to make, amend or revoke any regulation
29 for the furtherance of its objectives and in particular to provide—

30 (a) for matters relating to the appointment, removal and resignation of
31 the employees of the Agency;

1 (b) in consultation with the relevant agency of the Federal Government,
2 the procedure for and terms and tenure of appointment, emoluments,
3 discipline and the condition of service of the employees of the Agency.

4 (7) the supplementary provisions contained in the Schedule to this
5 Act shall have effect to the proceedings of the Board and other matters.

6 4.—(1) there is established to assist the Agency in each State of the Establishment
7 Federation, a State Advisory Committee of the Agency (in this Act referred membership
8 to as "the State Advisory Committee").

9 (2) Each State Advisory Committee shall consist of members to be committees
10 appointed by the Minister as follows—

11 (a) three members to be nominated by the Governor of that State one of
12 whom shall be the Chairman of the State Advisory Committee or act as
13 Chairman in the absence of the Chairman ; and

14 (b) seven other members to be appointed by the Minister, one of whom
15 shall be the officer in charge of the State office of the Federal Ministry of
16 Employment, Labour and Productivity who shall also act as the Secretary
17 of the Committee.

18 (3) The Minister shall have power to remove any member of the State
19 Advisory Committees.

20 (4) The State Advisory Committee shall be responsible for—

21 (a) liaising between the Management Board and the State Governments;

22 (b) identifying problems and opportunities in employment creation ;

23 (c) liaising between the Agency and the State Governments for the
24 implementation of the program of the Agency in the State ; and

25 (d) conducting and taking records of participants of the program in
26 the States.

27 (5) any member of the State Advisory Committee not being a public
28 officer shall be paid sitting allowance in accordance with the scales approved
29 from time to time by the Minister in keeping with relevant Government
30 Guidelines.

31 (6) Members of the State Advisory Committees not being public officers

1 shall hold office for four years and shall be eligible for re-appointment for a
2 further term of four years and no more.

3 SECRETARY AND OTHER STAFF OF THE AGENCY

Secretary of
the Agency.

4 5.—(1) There shall be an officer of the Agency to be known as the
5 Secretary who shall be appointed by the Minister from among the Staff of
6 the Commission.

7 (2) The Secretary shall be the Chief Executive of the Agency and shall
8 be responsible to the Minister for the day-to-day management of the affairs
9 of the Agency.

10 (3) The Secretary shall hold office on such terms and conditions as
11 may be specified in his letter of appointment and on such other terms and
12 Conditions as may be determined, from time to time by the Minister.

Appointment
of other Staff
of the
Agency.

13 6.—(1) The Board may employ such other staff as may be required for
14 the performance of the functions of the Agency.

15 (2) Employees of the Agency may be appointed by way of transfer or
16 secondment from any of the public services of the Federation or from the"
17 private sector.'

18 (3) The Board may, subject to such conditions as it may think fit,
19 delegate any of its powers relating to the appointment of, or the exercise of
20 disciplinary control (including dismissal) over it's employees to the Secretary
21 or any employee of the Agency.

Application
of Pensions
Act Cap. 346.

22 7.—(1) Service in the Agency shall be approved service for the
23 purposes of the Pensions Act, and accordingly, officers and other persons
24 employed in the Agency shall in respect of their services in the Agency be
25 entitled to pensions, gratuities and other retirement benefits as are
26 prescribed in the Act, and nothing in this Act shall prevent the appointment
27 of a person to any office on terms which preclude the grant of a pension,
28 gratuity Or other retirement benefits in respect of that office.

29 (2) For the purposes of the application of the Pensions Act, any power
30 exercisable by the Minister or other authority of the Government of the
31 Federation (not being power to make regulations under Section 23) is hereby

Vested in and shall be exercisable by the Agency and not by any other person or authority.

8.—(1) The Agency shall establish and maintain its head quarters in the Federal Capital Territory, Abuja, and offices in the capitals of the States, etc. Provision of Office facilities,

(2) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Agency may acquire landed property and land in any manner authorized by law and build, equip and maintain offices and premises on such land.

(3) The Agency may, with the prior approval of the Minister, dispose of in any manner authorized by law such of its land premises as is no longer required for its purposes.

9.—(1) there shall be for the program of the Agency, the following Categories of Beneficiaries and the description of job.

BENEFICIARIES OF THE PROGRAM

17

18 Category of participants—

19 (a) school certificate holders ;

20 (b) Graduates; and

21 (c) Such other category as the Minister may from time to time add.

(2) In any category mentioned in Subsection (1) of this section, the beneficiary shall only participate in the program for a maximum period of two years.

(3) Where the participant is a school certificate holder, he shall be assigned to any of the following public works—

(a) Clearing the gutters, sweeping the streets, and refuse disposal; (b) public issues campaign and mass literacy programs ; or (c) be attached to organizations to acquire skills.

(4) In the case of graduate participants, shall be provided with such activities commensurate with their educational exposure and training.

(5) each participant shall be paid the sum of N5,500.00 only per month and such payment shall not be subjected to tax.

	1	FINANCIAL PROVISIONS
Fund of the Agency.	2.	10.—(1) there shall be for the Agency a Fund which shall be paid and
	3	credited into the account of the Agency—
	4	(a) such monies as May from time to time be granted by the Federal
	5	Government;
	6	(b) such deductions as may be made from the salaries of any person
	7	employed in Nigeria;
	8	(c) such deductions as may be made from the income of companies
	9	registered and operating in Nigeria; and
	10	(d any) special tax or levy made against certain category of Nigerians
	11	for the purpose of the program.
	12	(2) There shall be made available for the Agency as take-off grant by
	13	the Federal Government the sum of N100 billion.
	14	(3) The Agency may accept gifts of land, or money or other property
	15	upon such terms and conditions, if any, as may be specified by the person
	16	or organization making the gift.
	17	(4) 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
	19	of the agency.
Power to invest funds.	20	11. The Agency may with the prior approval of the Minister, invest in
	21	any manner authorized by law such of it's funds as is not
		immediately required
	22	for it's use.
Annual estimates, accounts and audit.	23	12.—(1) The Board shall cause to be prepared and submitted to the
	24	Minister not later than 30th September in each year or such
		other time as
	25	may be directed by the Minister, an estimate of the expenditure and revenue
	26	of the Agency during the next succeeding year.
	27	(2) The Agency shall cause to be kept proper accounts and proper
	28	records and when certified by the Board such accounts shall be audited by
	29	an auditor appointed from the list and in accordance with the guidelines
	30	supplied by the Auditor-General of the Federation.

1 13.—(1) The Board shall, not later than 30th June in each year, submit
2 to the Minister a report on the activities of the Agency and its administration
3 during the immediately preceding year and shall include in such report the
4 Audited accounts of the Agency and the auditor's report.

**Annual
Report.**

5 (2) The Minister shall, on receipt of the report submit same to the
6 National Council of Ministers together with comments made by him.

7 14. The Minister may give to the Board, direction of a general nature
8 with respect to any of the functions of the Board or the Agency and shall be
9 the duty of the Board to comply with such directions or cause them to be
10 complied with.

**Power of the
Minister to
give
direction.**

11 15.—(1) The Minister may, from time to time, constitute a Committee
12 to be known as the Special Committee of the Agency for deliberation on
13 Special matters.

**Special
Committees
of the
Agency.**

14 (2) The Board shall prescribe the allowances payable to the persons
15 elected as members of the Special Committee of the Agency.

16 16. In this Bill, unless the context otherwise requires—
17 "Agency" means the agency established under Section 1 of this Bill;
18 "Board" means the Management Board of the Agency ;
19 "Minister" means the Minister for the time being charged with the
20 responsibilities for matters relating to social security.

**Interpreta-
tion.**

21 "State Advisory committees" means the State Advisory Committees
22 of the Agency established in each State of the Federation and in the
23 Federal Capital Territory, Abuja.

24 17. This Bill may be cited as the Poverty Alleviation and Social Security
25 Bill, 2000.

Citation.

SCHEDULE

1.—(1) Subject to this Act and Section 26 of the Interpretation act, the Council 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 45 other members.

(3) The quorum for the management Committee shall be director of works and 2 others and the quorum for any other Committee shall be as determined by the Governing Board.

2.—(1) The Board or Management Committee shall meet not less than 2 times in each year but the Board or Committee shall meet whenever it is summoned by the Chairman or the Director in the case of a management Committee, and if the Chairman or the Director is required to do so by notice given to him by not less than—

(a) 4 members in the case of the Governing Board; or

(b) 2 members in the case of the Management Committee;

he shall summon a meeting of the Board or the Advisory Committee to be held within 14 days from the date on which the notice is given.

(2) Any meeting of the Board or the Advisory Committee the Chairman or Director shall preside but if he is absent the members present at the meeting shall appoint one of their member to preside at the meeting.

(3) Where the Board desires to obtain the advise 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 in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

TENURE OF MEMBERS

3.—(1) member of the Board or the Advisory Committee other than ex-officio members shall subject to the provision of this paragraph hold office for a period of 3 years beginning with the date of his appointment as a member and shall be eligible for re-appointment for one further term of 3 years.

(2) Any member of the board other than an ex-officio may by notice resign his office.

4. A member shall cease to hold office if—

- (a) he becomes bankrupt, suspends payment or compound with his creditors ;
- or
- (6) he is convicted of a felony or any offence involving dishonesty of fraud; or
- (c) he becomes of unsound mind, or is incapable of carrying out his duties ; or
- (d) he is guilty of a serious misconduct in relation to his duties ; or
- (e) in the case of a member possessed of professional qualification, he is disqualified or suspended other than at his own request, from practicing his profession in any part of die world by order of a competent authority made in respect of such a member.

COMMITTEES

5.—(1) The Board may appoint one or more Committees to carry out, on behalf of the Board sacs of its functions as the Board may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board ; and the person other than a member of the Board shall hold office on the Committee in accordance with then terms of his appointment

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

MISCELLANEOUS

6.—(1) The fixing of the seal of me Fund shall be authenticated by the signature of the Chairman or of any other person authorized generally or specially to act for mat purpose by the Board.

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

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

(4) The validity of any proceedings of die Board or of a Committee shall not be adversely affected by any vacancy in the membership of die Board or Committee or

by any defect in the appointment of a member of the Board or of a Committee or by reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This bill seeks to provide for the establishment of an Agency that will be responsible for the control of the increase raise of poverty and also provide for social security to the needy in the society. The Bill, when pass into law will take care of the following category of people—

1. Graduates who are not employed.
2. school leavers
3. The aged and the disabled persons who can no longer take care of themselves.

Each participant is expected to get at least N5.000 per month depending on the level of his qualification.

The financial implication is about N100 billion which is to be provided by the Government of the Federation and other sources such as Companies.

