A BILL FOR AN ACT TO ESTABLISH SPECIAL PRIVILEGES FOR SENIOR CITIZENS IN NIGERIA, PROVIDE PENALTIES FOR BREACH THEREUNDER AND MATTERS CONNECTED THEREWITH

PREAMBLE:

Recognizing that persons in Nigeria who are more than sixty five years of age and commonly referred to as old persons, senior citizens or seniors are vulnerable and have special needs and therefore deserve special attention.

Admitting that our culture places high regard and respect for senior citizens and their special needs and

Avowing that the Government of the Federal Republic of Nigeria is committed to the welfare of all its citizens especially senior citizens,

It is hereby enacted by the National Assembly as follows:

1 PART 1- PRELIMINARY (SECTION 1)
(1) This Act may be called the Maintenance and Welfare of Senior Citizens Act, 2011.

(2) It extends to the whole of Nigeria and it applies also to citizens outside Nigeria.

**INTERPRETATION SECTION (SECTION 2)**

In this Act, unless the context otherwise requires, the following words shall have the meanings ascribed to them:

- **ACT** - Maintenance and Welfare of Senior Citizens Act 2011
- **Court** - Includes the Federal and State High Courts
- **Minister** - The Minister of Internal Affairs
- **Senior Citizen** - Any Nigerian male or female over the age of 65 years
- **Commission** - Commission for senior Citizens privileges
- **Children** - Includes son, daughter, grandson and grand-daughter but does not include a minor
- **Maintenance** - Includes provision for food, clothing, residence, medical attendance and treatment
- **Minor** - Means a person under the age of 21.
- **Parent** - Means father or mother whether biological, adoptive, step father, step mother as the case may be who is a senior citizen.
- **Prescribed** - Means prescribed by Rules made by the government under this Act.
- **Property** - Includes property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property
- **Relative** - Means any legal heir of a childless senior citizen who is not a minor and is in possession of or would inherit his/her property after his demise.
- **Tribunal** - Means the Senior Citizens Maintenance Tribunal constituted under this Act
- **Family** - Includes children, relative and any one closely connected with a senior citizen by blood, marriage or law.

**OVERRIDING EFFECT OF ACT (SECTION 3)**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

**PART 2**

**ESTABLISHMENT OF BOARD/COMMISSION FOR**
PRIVILEGES OF SENIOR CITIZENS (SECTION 4)

There is hereby established under this Act, a body to be known as the SENIOR CITIZENS WELFARE COMMUNITY (In this Act, referred to as the Commission)

The Commission shall be-

(a) a body corporate with perpetual succession and a common seal;
(b) capable of suing and being sued in its corporate name; and
(c) capable of acquiring, holding or disposing of any property, movable or immovable for the purpose of carrying out its functions.
(d) the headquarters of the Commission shall be situate in the Federal Capital Territory, Abuja, and there shall be established an office of the Commission in each state of the federation

The Commission shall be an arm of the Ministry of Internal Affairs
(e) The department of Social and Community welfare/development under the Ministry of Youths, Sports and Social Development shall be scrapped/pulled out, merged with and/or converted into the Commission. As the Commission, it shall maintain the same mandate and functions that it exercises presently under the Ministry of Youth and Social Development, in addition to any further mandate and/or functions it shall be saddled with hereunder, but with special emphasis and priority to affairs of the elderly.

MEMBERSHIP OF THE COMMISSION (SECTION 5)

The Commission shall consist of the following members:
(a) a chairperson who shall be appointed by the President on the recommendation of the Minister. The Chairperson shall be a person who by reason of ability, experience or expertise of health, sociological or psychological matters or professional attainments would in the President’s opinion be capable of making outstanding contributions to the work of the Commission.
(b) one representative of the health community appointed by the minister on the recommendation of the Nigerian Medical Association
(c) one representative of the legal profession appointed by the Minister on the recommendation of the Nigerian Bar Association
(d) 2 leading sociologists/psychologists appointed by the Minister on the recommendations of Ministry of Social Development
(e) six leading authority on Nigerian customary/cultural affairs to be appointed by the Minister on the recommendation of the council of traditional rulers, each from the geo-political zone.
(f) the Registrar-General of the Commission

TENURE OF OFFICE: (SECTION 6)
(1) Subject to the provisions of subsection (2) of this section, a person appointed as a member of this Commission (not being an ex-officio member) shall hold office for three years and shall be eligible for re-appointment for one further term of three years.

(2) The Minister may, with the approval of the President at any time remove any member of the Commission from office if the Minister is of the opinion that it is not in the interest of the Commission for the member to continue in office and shall notify the member in writing to that effect.

(3) The members of the Commission except the Registrar-General shall be part-time members of the Commission.

(4) Any member of the Commission shall cease to hold office if-

(a) He becomes of unsound mind or is incapable of carrying out his duties;

(b) He becomes bankrupt or has made arrangement with his creditors;

(c) He is convicted of a felony or any offence involving dishonesty;

(d) He is guilty of serious misconduct relating to his duties; or

(e) In the case of a person possessed of professional qualifications, he is disqualified or suspended (other than at his own request) from practising his profession in any part of Nigeria by the order of any competent authority made in respect of him personally.

Members of the Commission shall be paid such remuneration and allowances as the President may, from time to time direct.

(1) Subject to this section and section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings.

The chairman shall preside at every meeting of the Commission but, in his absence, the members present shall elect one of their numbers present to preside at the meeting.

The quorum for meetings of the Commissions shall be five.

The Commission may appoint any of its officers to act as secretary at any of its meetings.
PART 3
FUNCTIONS AND POWERS OF THE COMMISSION (SECTION 9)
The Commission shall be the principal and apex regulatory organization in respect of the rights of senior citizens and shall carry out the functions and exercise the powers prescribed in this Act, and in particular, shall:

(a) Regulate and manage the monies and funds from which the social security and other benefits accruable to senior citizens.

(b) Form, register, regulate and update a data base comprising of all senior citizens in Nigeria.

(c) Regulate all benefits, entitlement and privileges to be enjoyed by senior citizens.

(d) Regulate/act as intermediary in respect of all offers by interested persons, groups and stakeholders wishing to contribute to the fund and/or have dealings with senior citizens.

(e) Collaborate and liaise with the Ministry of Health, local government units and other concerned organizations involved in the care and welfare of the elderly.

(f) To liaise with the relevant authorities to ensure that an Office for Senior Citizens Affairs is established in all cities and municipalities, and a senior citizen’s ward in every government hospital.

FUND OF THE COMMISSION (SECTION 10)
The Commission shall establish a fund which shall consist of such sums as may be allocated to it by the federal Government and such other funds as may accrue to it in the discharge of its functions.

PART 4
PRIVILEGES, BENEFITS AND ENTITLEMENTS OF SENIOR CITIZENS
(A) OBLIGATIONS OF THE GOVERNMENT TO SENIOR CITIZENS: (SECTION 11)
SOCIAL SECURITY (SECTION 12)
From the commencement of this Act, every senior citizen in Nigeria shall be entitled to monthly payment of a specified sum to be declared in Regulations made pursuant to this Act by the Minister for Internal Affairs but not less than N40,000 (Forty thousand naira). This sum/scheme shall be called the Social security program. Every senior citizen will receive this old-age benefit each month without prejudice to any other benefit each month without prejudice to any other welfare/retirement package such a senior citizen may be entitled to under any other law/scheme such as Disability Insurance or Pension scheme and notwithstanding that such a senior citizen never worked in the public sector or for the government.
FREE VACCINATIONS FOR INDIGENT SENIOR CITIZENS

Every senior citizen shall be entitled to free vaccinations against the influenza virus, pneumococcal and other common diseases associated with old age. For this purpose, The MINISTER shall cause to be issued technical and operational guidelines not later than thirty (30) days from commencement of this Act. The Commission shall have the responsibility to establish and run residential homes, centers and facilities for neglected, abandoned, unattached or homeless senior citizens. The MINISTER shall enjoin all government and private hospitals, as well as other health facilities to post, publish or print out a schedule of health benefits and privileges i.e., laboratory and diagnostic test fees, which should be regularly updated. These postings and publications shall be clearly identified, posted and circulated in hospitals and public places.

INCOME TAX EXEMPTION

The senior citizen shall be entitled to exemption from the payment of the individual income tax.

EXEMPTION FROM TRAINING FEES

The senior citizen shall be exempted from training fees for socio-economic programs conducted by private and government agencies subject to the guidelines to be issued within thirty (30) days from commencement of this Act by the Ministry of Labor and National Directorate for Employment (NDE) and the Department of Science and Technology.

FREE MEDICAL AND DENTAL SERVICES IN GOVERNMENT FACILITIES

Medical and dental services, diagnostic and laboratory tests requested by the physician including but not limited to X-rays, computerized scans, and blood tests required by senior citizens, including professional fees of attending doctors in all government hospitals, medical facilities, outpatient clinics, and home health care services, shall be provided free of charge to senior citizens. These shall be in accordance with the rules and regulations to be issued by the MINISTER of Health.

For this purpose, a senior citizen ward shall be established in every government hospital.
Every senior citizen shall also be protected by the Medicare program. This program provides basic health care benefits. Medicare is divided into a hospital insurance program and a supplementary medical insurance program. The hospital insurance plan covers reasonable and medically necessary treatment in a hospital or skilled nursing home, meals, regular nursing care services, and the cost of necessary special care.

Medicare also pays for home health services and hospice care for terminally ill patients.

Medicare's supplementary medical insurance program is financed by monthly insurance premiums paid by people who sign up for coverage, combined with money contributed by the federal government.

The government shall ensure that the government hospitals provide beds for all senior citizens as far as possible;

Separate queues shall be arranged for senior citizens in hospitals and every other public place where queuing is required.

Facility for treatment of chronic, terminal and degenerative diseases shall be expanded for senior citizens.

Research activities for chronic elderly diseases and ageing expanded.

There are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

The government contributes the major portion of the cost of the program, which is funded out of general tax revenues.

Persons who enrol pay a regular monthly premium and also a small annual deductible fee for any medical costs incurred during the year above the amount funded by the government.

Once the deductible has been paid, Medicare pays 80 percent of any medical bills.

Every senior citizen shall be entitled to a five-percent discount on water bills (if consumption is less than 30 cubic meters a month) and electric bills (if consumption is less than 100 kilowatt-hours)

EDUCATIONAL PRIVILEGES: (SECTION 17)

Educational assistance shall be granted to senior citizens to pursue post secondary as well as vocational or technical education in both public and private schools through provision of scholarships, grants, financial aid, subsidies and other incentives to qualified senior citizens, including support for...
books, learning materials, and uniform allowance, to the extent feasible. Provided, that senior citizens shall meet minimum admission requirements.

7 PRIVILEGES ON GRANTING SPECIAL DISCOUNTS IN SPECIAL PROGRAMS: (SECTION 18)

The government may grant special discounts in special programs for senior citizens on purchase of basic necessities and prime commodities, subject to the guidelines to be issued for the purpose by the MINISTER of Trade and Commerce within thirty (30) days from the commencement of this Act. Provided, that such special programs and their guidelines shall be developed by the concerned department within the concerned department’s jurisdiction.

Every senior citizen shall be entitled to a 20-percent discount and exemption from the value-added tax on the sale of goods and services (medicines, medical and dental fees, transport fares, services in hotels and restaurants, admission fees in theatres and other places of leisure).

In case of discount promos, the senior citizens shall avail themselves of either the promotional discount or the 20-percent discount, whichever is higher.

EXPRESS LANE PRIVILEGES: (SECTION 19)

Accessible express lanes for senior citizens shall be provided in all roads federal and state as well as commercial, and government establishments; in the absence thereof, priority shall be given to senior citizens.

BANKING: (SECTION 20)

Banks shall give special privileges to the senior citizens and shall offer to them 0.5% -1% higher rates on fixed deposits compared with that to ordinary investors. This is in affirmation of the fact that senior citizens usually have a bulk of their investments in fixed deposits, thus making them prized customers for banks.

OLD AGE HOMES/RETIREMENT COMMUNITIES: (SECTION 21)

The Commission shall establish senior citizens retirement communities. These planned communities allow only senior citizens to buy or rent housing. This is in recognition of the fact that many seniors feel more independent and secure in a retirement community than in an ordinary neighbourhood. Legal provisions in a retirement community's development plan are incorporated into the deeds of all property owners, prohibiting,
for example, children from residing in the community. In this way, the special nature of the neighbourhood shall be preserved.

The government shall establish and maintain such number of old age homes at accessible places as it may deem necessary in a phased manner, beginning with at least one in each district to accommodate a maximum of 120 senior citizens who are indigent.

The government shall prescribe a scheme for management of old age homes including the standards and various types of services to be provided by them which are necessary for the medical care, entertainment and total wellbeing of the inhabitants of such homes.

**PROTECTION AGAINST CRIME: (SECTION 22)**

It is hereby acknowledged that because of their physical vulnerability and personal isolation, senior citizens are robbed more often than are the members of other age groups. Seniors are also the most likely group in society to be swindled.

The Government shall employ all resources within its reach to educate senior citizens about mail and telemarketing schemes that defraud thousands of seniors each year.

The Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

**PUBLICITY OF THIS ACT (SECTION 23)**

The government shall take all measures to ensure that:
- the provisions of this act are given wide publicity through public media including the television, radio and the print at regular intervals;
- the central and state government officers including the police officers and the members of the judicial service are given periodic sensitization and awareness training on the issues relating to this Act.
- effective co-ordination between the service provided by the concerned Ministries or departments dealing with law, home affairs, health and welfare, to address the issues relating to the welfare of the senior citizens and periodical review of the same is conducted.

**TRANSFER OF PROPRIETARY RIGHTS BY SENIOR (SECTION 24)**

Where any senior citizen who after the commencement of this Act, has transferred by way of gift or otherwise his property subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence.
and shall at the option of the transferor be declared void by the tribunal.

7 COMPENSATION TO SURVIVING FAMILY IN CASE OF DEATH OF A SENIOR: (SECTION 25)

In case of death, the nearest surviving relative of the deceased senior citizen shall get N200,000.00 (Two hundred thousand naira)

(B) OBLIGATIONS OF FAMILY TO SENIOR CITIZENS (SECTION 26)

A senior citizen including parent who is unable to maintain himself from his own earnings or out of property owned by him shall be entitled to make an application under Section--- of this Act in case of-

(a) Parent or grandparent against one or more of his children not being a minor;

(b) A childless senior citizen, against any such of his relative.

(2) The obligation of the children or relative as the case may be to maintain a senior citizen extends to the needs of such citizen so that the senior citizen may lead a normal life.

(3) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen.

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relatives in the proportion in which they would inherit his property.

An application for maintenance under section ..., may be-

(a) By a senior citizen or a parent, as the case may be; or

(b) If he is incapable by any other person or organization authorized by him; or

(c) The Tribunal may take cognizance suo motu.

The Tribunal may during the pendency of the proceeding regarding monthly allowance for maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.

TIME LIMIT FOR HEARING BY TRIBUNAL (SECTION 27)

An application filed under sub-section--- for the monthly allowance, maintenance and expenses shall as far as possible be disposed of within ninety days from the date of the service of notice of the application to such person.

An application for maintenance under sub-section... may be filed against one or more persons
Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.

Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or expenses of proceeding, as the case may be.

**ISSUANCE OF WARRANT BY TRIBUNAL (SECTION 28)**

If children or relative so ordered fail without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole or any part of each month's allowance for the maintenance and expenses of proceeding as the case may be, or imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier.

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application is made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

Proceeding may be taken against any children or relative in any district - Where he resides or last resided - Where children or relative resides

The tribunal shall have all the powers of a civil court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a civil court for all the purposes.

If children or relatives, as the case may be neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen as the Tribunal may deem fit and to pay same to such senior citizen as the Tribunal may from time to time direct.

The maximum maintenance allowance which may be ordered by such Tribunal shall not exceed twenty thousand naira per month.

A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made.
Where an order is made under this chapter, the children or relative who is required to pay any amount in terms of such order shall within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may order.

**PART FIVE**

**VIOLATIONS AND PENALTIES: (SECTION 29)**

It shall be an offence to wilfully or negligently deny any senior citizen the privileges and or benefits contained in this Act. It shall also be an offence for anybody or group concerned in the administration of this Act not to bring the provisions of this Act to the knowledge of the senior citizen concerned.

Anyone having the care or protection of senior citizen leaves such senior citizen in any place with the intention of wholly abandoning such senior citizen shall be punishable with imprisonment of either a term of three months or a fine of at least fifty thousand naira.

Offences under this Act shall be cognizable and bailable.

An offence under this Act shall be tried summarily by a magistrate.

First-time violators of the law face imprisonment of six months to two years, in addition to a fine ranging from N50,000 to N100,000.

For subsequent violations, the fine can go up to N200,000, and the prison term may extend to six years.

Anyone who abuses the privileges granted in this law shall pay a fine of N5,000 to N50,000, and shall be jailed for at least six months.

**RIGHT OF AN AGGRIEVED SENIOR CITIZEN: (SECTION 30)**

It shall be the right/entitlement of every senior citizen to institute legal proceedings for specific performance, damages (compensation) or any other appropriate remedy where any of the entitlements accruable to such senior citizen under this Act have breached by anyone whosoever; and for the purposes of such action the senior citizen shall be adequately represented by legal officers of the ministry of justice;

Provided that where such matter is not being diligently prosecuted by officers of the ministry of justice, it shall be the further privilege of the senior citizen to apply to the local NBA in the area for adequate and diligent prosecution of the suit.

Notwithstanding anything contained in this Act or any other Legislation, it shall be the duty of every local NBA to provide
such required assistance for any aggrieved senior citizen.

PART SIX

MISCELLANEOUS

IDENTIFICATION OF SENIOR CITIZENS: (SECTION 31)

To avail themselves of benefits, senior citizens should present their passport or other documents establishing their citizenship and age.

PART SEVEN

NON COMPULSION AGAINST SUBMISSION TO THE ACT (SECTION 32)

Nothing in this Act shall be construed as compelling any senior citizen to submit to and or enjoy the provisions of this Act for any reason whatsoever. PROVIDED that this section shall not be construed as a justification and/or reason not to bring the existence of such benefits/entitlement/privilege to the senior citizen. Every officer or staff appointed to exercise functions under this Act shall be deemed to be a Public Servant within the meaning of the Public Service Act.

OUSTER OF JURISDICTION OF NORMAL CIVIL COURTS (SECTION 33)

No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act. If any difficulty arises in giving effect to the provisions of this Act, the state government may by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of five years from the date of the commencement of this Act. The central government may give directions to state governments as to the carrying into execution the provisions of this Act. The state government may by notification in the official gazette make rules for carrying out the purposes of this Act.

REVIEW (SECTION 34)

Retirement benefits of retirees from both the Government and Private sectors shall be reviewed regularly every four
years to ensure their continuing responsiveness,
sustainability, and to the extent feasible and practicable
retirement benefits of private retirees shall be
upgraded to be at par with their government counterparts.