

EMPLOYEES HOUSING SCHEMES (SPECIAL PROVISIONS) ACT

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EMPLOYEES HOUSING SCHEMES (SPECIAL PROVISIONS) ACT

An Act to make it obligatory for every employer of labour so designated by order to establish, execute and maintain a housing scheme for its employees in every State or part thereof where its establishment is not less than 500 employees and to provide for matters connected therewith.

[1979 No. 54.]

[20th August, 1979]

[Commencement.]

1. Provision of housing scheme for employees made obligatory in certain cases

(1) Every designated employer (whether corporate or unincorporate) shall, not later than six months after the requisite order is made as provided in this section, submit for the consideration of the Minister, proposals for the establishment of a housing scheme for his employees in respect of each State in the Federation (or such number of States as may be applicable in his case) in accordance with the following provisions of this Act.

(2) For the purposes of the subsection (1) of this section, "designated employer" means any employer who-

(a) on or after the commencement of this Act has not less than 500 persons in his employment in any State in the Federation or any part thereof; or

(b) is designated as such by the Minister, with the approval of the President, either by reference to the number of employees (whether or not more than 500) or the turn-over of profits of the trade or business of the employer concerned or otherwise howsoever,

and the name and other relevant particulars of every such designated employer shall be published by the Minister by order in the Federal Gazette.

(3) For the purposes of this Act, "provision of housing scheme" includes provision, on a rental basis, of separate dwellings or of blocks of flats for employees.

2. Housing scheme to conform to prescribed standards, etc.

(1) Without prejudice to the other provisions of this section, every housing scheme under this Act shall conform to such standards as may be prescribed.

(2) Every housing scheme shall make provision for not less than fifty units of accommodation in respect of each designated employer and the units shall form part of an integrated development with other similar units and shall be located contiguous or as near as may be reasonable in the circumstances to the places of work of the employees concerned.

(3) Not less than three quarters of the total accommodation available in every such scheme shall be for employees who are not executive or senior staff within the meaning of section 3 (4) of the Trade Unions Act.

[Cap. T14.]

3. Processing of proposals, etc.

(1) The Minister shall, not later than three months after receipt of proposals made pursuant to section 1 of this Act-

(a) convey his approval therefor with or without modifications and specify the time within which it shall be implemented; or

(b) convey his intention to reject the proposals, so however that where, subsequent to such notice to reject, the designated employer concerned makes the necessary adjustments, the Minister may convey approval for the scheme as provided in paragraph (a) of subsection (1) of this section.

(2) Where a proposal is rejected in its entirety, the Minister shall set out the reasons for such rejection and the designated employer concerned shall, not later than three months after such rejection is notified to him, submit fresh proposals which conform in all respects to prescribed standards to the Minister and the provisions of subsection (1) of this section shall apply accordingly.

4. Power to provide furniture

(1) A designated employer may fit out, furnish and supply any unit erected or acquired by him with all requisite furniture, fittings and conveniences and may sell or supply under a hire-purchase agreement, furniture to the occupants of units provided by the employer concerned.

(2) In this section, hire-purchase agreement has the meaning assigned thereto by the Hire Purchase Act.

[Cap. H4.]

5. Power to grant exemptions

Notwithstanding any other provision of this Act, the Minister, with the prior approval of the President, may by order published in the Federal Gazette exempt any person from the provision of this Act where he is satisfied that-

- (a) provision of a housing scheme or schemes has been made by the person concerned as provided in this Act and on terms not less favourable than the like terms to which the employees would have been entitled under or pursuant to this Act; or
- (b) the housing needs in a particular locality have been substantially met; or
- (c) the nature of the trade or business of a person is such that the person has or would normally have an unusually disproportionate number of seasonal or temporary employees in his employment.

6. Establishment of National Housing Facilitation Council

(1) There shall be established a body to be known as the National Housing Facilitation Council which shall advise the Minister on the implementation of the provisions of this Act and discharge any other functions conferred on it by this Act.

(2) The Council shall be constituted by the Minister and shall consist of a public officer as the chairman thereof and the following other members, that is-

- (a) a representative of the Federal Ministry of Employment, Labour and Productivity;
- (b) a representative of the Federal Ministry of Works and Housing;
- (c) a representative of the Federal Mortgage Bank of Nigeria;
- (d) a representative of the Federal Housing Authority;
- (e) two representatives of the Nigerian Employers' Consultative Association;
- (f) two representatives of the Nigerian Labour Congress; and
- (g) two other persons (not being public officers) to be appointed by the Minister to represent interests not otherwise represented above.

(3) Members of the Council (not being public officers) shall hold office for three years and shall be eligible for re-appointment for one further period of three years.

7. Proceedings of the Council

(1) The quorum for meetings of the Council shall be five, at least two of whom shall be members appointed under paragraphs (e), (f) and (g) of subsection (2) of section 6 of this Act.

(2) The Council may co-opt persons who are not members thereof to any meeting of the Council and such persons may take part in its deliberations, but shall not be entitled to vote at a meeting of the Council or count towards the quorum.

(3) The Council shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to any such standing orders, may function notwithstanding any vacancy in its membership or the absence of a member.

(4) There shall be a secretary to the Council who shall be a public officer designated as such from, and the secretariat of the Council shall be located in, the same ministry or department as that of the chairman's.

(5) The administrative expenses of the Council shall be borne by the Federal Government.

8. State Committee

(1) There shall be established for each State in the Federation, a State Committee of the National Housing Facilitation Council, which shall carry out in the State for which the Committee is

established, such duties as may be conferred on it by or pursuant to this Act or as may, from time to time, be delegated to it by the Council.

(2) Every State Committee shall consist of a public officer as chairman thereof, to be appointed by the Commissioner responsible for industry and trade from his ministry and the following other members, that is-

- (a) the representative in the State, of the Federal Ministry of Employment, Labour and Productivity;
- (b) a representative of the State Ministry responsible for housing matters;
- (c) a representative of any housing corporation established by law in the State;
- (d) one person to be appointed by the Commissioner aforesaid to represent the interest of local governments in the State;
- (e) a representative of the Chambers of Commerce and Industry in the State;
- (f) a representative of the State branch of the Nigerian Labour Congress; and
- (g) one person to represent interests not otherwise represented above.

(3) The provisions of section 7 of this Act shall apply mutatis mutandis to the proceedings of a State Committee and the other matters therein mentioned.

9. Periodical review of housing conditions

(1) It shall be the duty of every State Committee to consider housing conditions in the State concerned and the needs of that State with respect to the provision of further schemes under this Act, and for that purpose to review the information which has been brought to its notice, either as a result of inspections and surveys carried out by the Committee or otherwise, and as often as occasion arises to prepare and submit to the Council proposals for the provision of new schemes.

(2) It shall be the duty of the Council to consider every proposal submitted to it under subsection (1) of this section and as often as occasion arises (or where notice has been given to it by the Minister, within three months) to prepare and submit to the Minister proposals for the provision of housing schemes in the States.

10. Power to obtain information, etc.

(1) For the purposes of this Act, the secretary to the Council may by notice in writing addressed to or served on any designated employer, require that employer to furnish in such form as he may direct, information on such matters as may be specified by him.

(2) A designated employer required to furnish information pursuant to subsection (1) of this section, shall within 42 days of the notice comply with the notice.

11. Penalty for false information, etc.

(1) If any designated employer required to furnish information under section 10 of this Act fails to do so, such employer shall be guilty of an offence and liable on conviction-

- (a) in the case of an individual, to a fine of ₦200 or imprisonment for one month or to both such fine and imprisonment; or
- (b) in the case of a body corporate, to a fine of not less than ₦1,000.

(2) Any designated employer who, for the purpose of complying with section 10 of this Act, knowingly or recklessly makes any statement or produces any document which is false in a material particular, shall be guilty of an offence, unless such employer proves that he had taken all reasonable steps to ascertain the truth of the statement made or contained in any document so produced or to satisfy itself as to the genuineness of any such document.

(3) Any designated employer found guilty of an offence under subsection (2) of this section shall be liable on conviction-

(a) in the case of an individual, to a fine of ₦1,000 or imprisonment for 12 months or to both such fine and imprisonment; or

(b) in the case of a body corporate, to a fine of not less than ₦5,000.

12. Penalty for non-compliance with section 1 or 3

Any designated employer who fails to comply with section 1 or 3 of this Act shall be guilty of an offence and liable on conviction to a fine of ₦100 for every day or part thereof that the offence continues.

13. Offences by bodies corporate and unincorporate

Where an offence under this Act is committed by a body corporate or firm or other association of individuals-

(a) every director, manager, secretary or other similar officer of the body corporate;

(b) every partner or officer of the firm;

(c) every person concerned in the management of the affairs of the association;

or

(d) every person who was purporting to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence in an individual capacity, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

14. Regulations

Subject to the provisions of any other enactment or law in that behalf, the President may make regulations generally for the purposes of this Act; and without prejudice to the generality of the foregoing, such regulations may make provision with respect to-

(a) the vesting of any interest in land acquired for or in connection with any housing scheme and of any houses, buildings or any structure whatsoever on, over or through land or water comprised in any such land;

(b) the provision of roads, drainage, electricity, telephones and such similar facilities for housing schemes;

(c) subsidies (if any) to be provided by the Federal Government or any other public authority;

(d) the provision of medical facilities, schools, open spaces, playgrounds, common laundry facilities and any other social facilities;

(e) the determination of rents payable;

(f) maintenance and upkeep of buildings and surroundings;

(g) the appointment of a supervisory authority to ensure that infrastructural, super-structural and other facilities conform with the prescribed standards; and

(h) such other matters as are required to be prescribed by this Act.

15. Interpretation

In this Act, unless the context otherwise requires-

"the Committee" means any State Committee of the Council established by section 8 of this Act;

"**the Council**" means the National Housing Facilitation Council established by section 6 of this Act;

"**designated employer**" has the meaning assigned thereto in section 1 of this Act;

"**employee**" means any person who has entered into or works under a contract (whether expressed or implied or oral or written) with an employer, whether the contract is for manual labour, clerical work or for the discharge of administrative, executive, technical or professional functions and whether such contract is a contract of service or a contract personally to execute any work or labour, but does not include-

(a) any person employed otherwise than for the purposes of the employer's business;

(b) members of the employer's family;

(c) independent representatives, agents and commercial travellers; or

(d) any person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or the material;

"**employer**" means any person who has entered into a contract of employment to employ any person as an employee either for himself or for the service of any other person, and includes the agent, manager or factor of that first-mentioned person and the personal representatives of a deceased employer;

"**Minister**" means the Minister charged with responsibility for the welfare of labour.

16. Short title

This Act may be cited as the Employees Housing Schemes (Special Provisions) Act.

EMPLOYEES HOUSING SCHEMES (SPECIAL PROVISIONS) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
