

FAMILY SUPPORT TRUST FUND ACT LAWS

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FAMILY SUPPORT TRUST FUND ACT

An Act to establish the Family Support Trust Fund for the improvement of Family Health Care Delivery, the promotion of Family Economic Advancement, and for matters connected therein.

[1995 No. 10.]

[15th June, 1995]

[Commencement.]

PART I

Establishment and composition, etc., of the Family Support Trust Fund and Management Board, etc.

1. Establishment of the Family Support Trust Fund

(1) There is hereby established a fund to be known as the Family Support Trust Fund (in this Act referred to as "the Fund") into which shall be paid all the monies received as donations and contributions to the Family Support Programme and which Fund shall be operated and managed as provided in this Act.

(2) The Fund shall-

- (a) be a body corporate with perpetual succession; and
- (b) may sue and be sued in its corporate name.

(3) The Fund shall be located in the Presidency and shall not be subject to the direction, control or supervision of any other authority or person in the performance of its function under this Act other than the President.

2. Establishment of the Family Support Trust Fund Management Board

(1) There is hereby established for the management of the Fund, a body to be known as the Family Support Trust Fund Management Board (in this Act referred to as "the Board") which shall, subject to this Act, have general control of the Fund.

(2) The Board shall consist of the following members, that is-

- (a) a chairman;
- (b) six persons to represent the six geo-political zones of the Federation;
- (c) a representative each of-

(i) the Federal Ministry of Justice;

(ii) the Federal Ministry of Women Affairs and Youth Development;

(iii) the Presidency; and

- (d) the secretary to the Board.

[1999 No. 13.]

(3) The chairman and members of the Board shall be-

- (a) persons of proven integrity; and
- (b) appointed by the President.

(4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

3. Tenure of office

(1) The chairman and members of the Board, other than ex-officio members, shall each hold office for a period of three years in the first instance and may be re-appointed for a further period of three years and no more.

[1999 No. 13.]

(2) The members of the Board shall be paid such remuneration and allowances as the President may, from time to time, determine.

(3) A member of the Board, other than an ex-officio member, may resign his appointment by a notice in writing under his hand, addressed to the President and which resignation shall take effect only upon acknowledgement by the President.

4. Cessation of membership

(1) A member of the Board shall cease to hold office if-

- (a) he becomes of unsound mind; or
- (b) he becomes bankrupt or makes a compromise with his creditors; or
- (c) he is convicted of a felony or of any offence involving dishonesty; or

(d) he is guilty of serious misconduct in relation to his duties.

(2) A member of the Board may be removed from office by the President, if he is satisfied that it is not in the interest of the Fund or the interest of the public that the member should continue in office.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the President.

PART II

Functions of the Board

5. Functions of the Board

(1) The Board shall be responsible for-

- (a) receiving monies accruing to the Fund;
- (b) disbursing monies from the Fund to such programmes as may be determined, from time to time, by the President;
- (c) promoting decent health care delivery with the general purport of reducing maternal and child mortality and morbidity through improved health care delivery system for the family;
- (d) assisting families identify economically viable enterprises for income generation and provide technical and financial support for their implementation;
- (e) assisting rural families increase their agricultural productivity and other skills for the improvement of their well-being;
- (f) enhancing the capacity of parents to act as role models to their children through guidance and counselling and public enlightenment programmes;
- (g) creating, arousing and sustaining the interests of the Federal, State and local governments, the Nigerian people, and the international community on the activities of the Family Support Programme;
- (h) sensitising Government on the need to provide adequate shelter for all Nigerians;
- (i) promoting and improving on the welfare of the most vulnerable and disadvantaged groups in the society, notably women, the disabled, destitutes, the aged and children of all ages, etc.;
- (j) carrying out public enlightenment campaigns to sanitise the general public on matters of human decency, civic responsibility and concern for the welfare of the disadvantaged;
- (k) exercising control over the management of the Fund with a view to ensuring accountability and proper utilisation of the Fund for the purposes set out in this Act;
- (l) liaising with Ministries, Extra-Ministerial Departments, the State and local governments in identifying, funding and executing projects in the various sectors set out in paragraph (c) of this subsection;
- (m) entering into contractual agreement for the purpose of achieving objectives set out in this subsection;

(n) carrying out such other activities as are necessary and expedient for the purpose of achieving the objectives set out in this section of this Act.

(2) The Board shall also have power to carry out such activities as may appear to it to be incidental or conducive to the attainment of its objects under this Act.

6. Power of the Board

Notwithstanding the provisions of section 10 (3) of this Act, the Board shall, subject to the approval of the President, have power to allocate a percentage of monies accruing to the Fund to such of its activities as it may, from time to time, deem fit.

PART III

Staff of the Fund

7. The secretary and other staff of the Fund, etc.

(1) The Board shall appoint for the Fund, an officer to be known as the secretary to the Board who shall perform the functions of keeping the records of proceedings and decisions of the Board and such other functions as the Board may, from time to time, direct.

(2) The Board shall have power to appoint either on transfer or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Fund in the discharge of any of its functions under this Act; and shall have power to pay to persons so employed such remuneration (including allowances) as the Board may, from time to time, determine.

(3) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons employed by the Board shall be as determined by the Board from time to time.

8. Staff regulations

(1) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Fund and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Fund; and

(b) appeals by such employees against dismissal or other disciplinary measures,

until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Fund.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the President, and when so approved they need not be published in the Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

9. Pensions

(1) It is hereby declared that service in the Fund shall be public service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Fund shall in respect of their service in the Fund, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

PART IV

Financial provisions

10. Sources of funding

(1) There shall be paid and credited to the Fund established by this Act-

(a)- all monies accruing to the Fund by virtue of subsection (1) of section 1 of this Act;

(b) the annual subvention received from the Federal Government;

(c) such money as may, from time to time, be lent, deposited with or granted to the Fund by the Government of the Federation, of a State or local government;

(d) all subventions, fees and charges for services rendered or publications made by the Fund;
and

(e) all other assets which may, from time to time, accrue to the Fund.

(2) The Fund shall be managed in accordance with rules made by the President and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions-

(a) specifying the manner in which the assets of the Fund are to be held and regulating the making of payments into and out of the Fund; and

(b) requiring the keeping of proper accounts and records for the purposes of the Fund in such form as may be specified in the rules.

(3) The Board may, from time to time, apply the proceeds of the Fund for the following purposes-

(a) the cost of administration of the Fund and the Board;

(b) the payment of salaries, fees and other remuneration, allowances, pension and gratuities payable to members or employees of the Fund or experts or professional appointed by the Board.

11. Budgetary provisions

The Board shall not later than 31 October submit to the President an estimate of its expenditure and income during the next succeeding year.

12. Expenses to be paid out of the Fund

All expenses incurred in the administration of the Fund shall be paid by the Board out of the monies of the Fund.

13. Award of contracts

The Board shall have power to award contracts up to an amount of N50,000,000 but shall be required to obtain the approval of the President for any contract in excess of that amount.

14. Power to accept gifts

(1) The Board may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The board shall not accept any gift if the condition attached by the person or organisation making the gift are inconsistent with the objectives of the Fund under this Act.

15. Exemption from tax

(1) The Board shall be exempted from the payment of income tax on any income accruing from investment made by the Board or otherwise howsoever.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board or the Fund.

16. Annual estimates, account and audit

(1) The Board shall cause to be prepared not later than 30 September in each year an estimate of the expenditure and income of the Fund during the next succeeding year and when prepared, they shall be submitted to the President for approval.

(2) The Board shall cause to be kept proper accounts of the Fund and proper records in relation thereto and when certified by the Board, such accounts shall be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

17. Quarterly report

The Board shall, notwithstanding the provision of section 18 of this Act and at the end of every three months, submit to the President a report on its activities and administration of the Board in relation to the Fund.

18. Annual report

The Board shall not later than three months before the end of each year, submit to the President a report on the activities and the administration of the Board in relation to the Fund during the immediately preceding year and shall include in such reports the auditor's report thereon.

PART V

Miscellaneous

19. Power of President to give directives

Subject to the provisions of this Act, the President may give to the Board such directives of a general nature with regard to the exercise by the Board of its functions under this Act and it shall be the duty of the Board to comply with the directives.

20. Regulations

The President may make such regulations as he deems to be necessary or expedient for giving full effect to the provisions of this Act.

21. Interpretation

In this Act, unless the context otherwise requires-

"**Board**" means the Family Support Trust Fund Board established by section 2 of this Act;

"**chairman**" means the chairman appointed under section 2 (3) of this Act;

"**Fund**" means the Family Support Trust Fund established by section 1 of this Act;

"**secretary**" means the secretary to the Board appointed by section 7 of this Act.

22. Short title

This Act may be cited as the Family Support Trust Fund Act.

SCHEDULE

[Section 2 (4).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman and ten other members and the quorum of any committee of the Board shall be determined by the Board.

2. (1) The Board shall meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than four other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

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

Committees

3. (1) The Board may appoint one or more committees to carry out, on behalf of Board, such 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 a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

4. (1) The fixing of the seal of the Fund shall be authenticated by the signature of the chairman or of any other person authorised generally or specially to act for that purpose by the Board.

(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 made or executed on behalf of the Fund by the chairman or any person generally or specially authorised to act for that purpose by the Board.

(3) Any document purporting to be a document duly 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.

5. The validity of any proceeding of the Board or of a committee thereof shall not be adversely affected by any vacancy in the membership of the 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.

FAMILY SUPPORT TRUST FUND ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation