

ISSN 0796 - 028X



REPUBLIC OF THE GAMBIA

THE NATIONAL SOCIAL PROTECTION ACT, 2024

THE NATIONAL SOCIAL PROTECTION ACT, 2024
ARRANGEMENT OF SECTIONS

Section

PART I - PRELIMINARY

1. Short title
2. Interpretation

**PART II - ESTABLISHMENT OF THE NATIONAL SOCIAL PROTECTION AGENCY
AND ITS BOARD OF DIRECTORS**

3. Application of the Act
4. Establishment of the National Social Protection Agency
5. Functions and Powers of the Agency
6. Establishment and composition of the Board of Directors of the Agency
7. Tenure of office of members of the Board
8. Conduct of business and affairs of the Board
9. Powers of the Board
10. Executive Director of the Agency
11. Functions of the Executive Director
12. Staff of the Agency
13. Experts and consultants
14. Delegation by the Board
15. Remuneration of members of the Board
16. Protection from personal liability
17. Common seal

PART III - SOCIAL ASSISTANCE

18. Types of Social Assistance
19. Social assistance to persons in need
20. Eligibility for social assistance
21. Orphans and vulnerable children
22. Older persons
23. Unemployed persons

24. Persons with disabilities
25. Social assistance programmes
26. Application for social assistance
27. Appeals
28. Abuse of social assistance
29. Suspension or cancellation of social assistance
30. Termination of social assistance to persons who are absent from The Gambia
31. Refund to the government
32. Preservation of personal information of applicant
33. Lapsing of social assistance
34. Review of social assistance

PART IV - FINANCIAL PROVISIONS

35. Sources of finances of the Agency
36. Financial Year
37. Estimates, accounts and audit
38. Annual Report
39. Exemption from duties

PART V - SOCIAL PROTECTION FUND

40. Establishment of the Social Protection Fund
41. Objectives of the Fund

PART VI - MISCELLANEOUS PROVISIONS

42. False or misleading statements or information
43. General penalty
44. Regulations

“Financial assistance” means a type of social assistance provided as –

- (a) payment for food, shelter, clothing, fuel, utilities, household supplies and personal requirements;
- (b) payment for special needs of the kind prescribed by the regulations;
- (c) payment for care in residential institutions;
- (d) payment for travel and transportation expenses;
- (e) payment for funeral and burial expenses;
- (f) payment for education services;
- (g) payment for health care services;
- (h) payment for disaster and emergency relief;
- (i) comfort allowances and allowances for other needs of residents of residential institutions;

“Minister” means the Minister responsible for overseeing the Agency established in section 4 of this Act;

“Older person” means a person contemplated in section 22 of this Act;

“Orphans and vulnerable children” means children as described under section 21 of this Act;

“Poor” means an individual or household who or which is living below poverty line as may be determined by the Regulations;

“Regulations” means a regulation made in terms of this Act;

“Residential institution” means an institution approved in accordance with Regulations that provide for living accommodation and temporary or continuing care for persons in need;

“Social assistance” means non-contributory social protection policies and programmes aimed at preventing, reducing or eliminating economic, discriminatory, social vulnerabilities and risk to poverty and deprivation;

“Social protection” means all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, shocks, and enhance the social status and rights of the marginalised with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalised groups;

“Social services” means services having as their object the lessening, removal or prevention of the causes or effects of poverty, child neglect or dependence on public assistance and, without limiting the generality of the foregoing, includes –

- (a) rehabilitation services;
- (b) counselling services;
- (c) psychosocial support service;
- (d) child care services;
- (e) day care services;
- (f) community development services;
- (g) home care for the elderly;
- (h) care for orphans with adults siblings;
- (i) consulting, research and evaluation services with respect to social programmes;
- (j) provision of income assistance or indigent relief; and
- (k) administrative, secretarial and clerical services, including staff training, relating to the provision of any of the foregoing services;

“Vulnerable” means a state in which an individual or household lacks the capacity to combat the impact of adverse shocks pushing any individual or household into poverty and poor into deeper poverty; and

“Youth” means all individuals between the ages defined by the laws of The Gambia.

3. Application of the Act

(1) This Act shall apply to social assistance programs as provided under this Act.

(2) In the case of matters related to social security schemes, the Social Security laws of The Gambia shall apply.

(3) In the case of matters related to Health Insurance, the National Health Insurance Act shall apply.

(4) All other Social Protection matters not covered by this Act, will be subject to the relevant laws at the time.

PART II – ESTABLISHMENT OF THE NATIONAL SOCIAL PROTECTION AGENCY AND ITS BOARD OF DIRECTORS

4. Establishment of the National Social Protection Agency

(1) There is established by this Act, the National Social Protection Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of –

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money; and
- (d) doing or performing all such other acts or things necessary for the proper performance of its functions under this Act.

(3) The Agency may establish such branches or organs as it may deem necessary for the effective and proper discharge of its function under this Act.

5. Functions and Powers of the Agency

The Agency shall –

- (a) identify and provide social protection to persons in need of social assistance;
- (b) plan, develop, operate and manage any project or enterprise that has as its object to render recipients of social assistance capable of self-support;
- (c) support the review and development if necessary, of social protection policies and legislations;
- (d) support the joint review and coordination of social protection spending plans;
- (e) enter into agreements with agencies or other persons for the provision of social services;

- (f) advise the Minister responsible for social protection on the national policy to be adopted with regard to the provision of social assistance;
- (g) formulate and enforce standards for the conduct of social assistance programmes;
- (h) maintain and promote the status, well-being, rights, safety and security of persons in need of social assistance;
- (i) develop, maintain and operate a social registry which, to the extent possible, shall be the basis for the identification of potential beneficiaries for all social protection programmes or interventions;
- (j) mobilise resources to support and fund social assistance programmes and initiatives;
- (k) coordinate with other social assistance organisations to ensure that persons in need of social assistance access to resources and services appropriate to their needs;
- (l) coordinate and support harmonisation and alignment in the design and delivery of social protection programmes, projects and services;
- (m) issue information, publicity and communications and hold events to promote wider understanding of social protection;
- (n) develop mechanisms, including but not limited to a unified case management system and referral mechanism on social protection issues, to facilitate citizen's participation in social assistance programmes;
- (o) formulate operational guidelines that protect persons in need against any form of abuse, exploitation or discrimination and stigmatisation in relation to social protection and assistance activities;
- (p) work with other Ministries, Departments and Agencies to roll out and popularise social assistance programmes;
- (q) establish and maintain a national social protection Monitoring and Evaluation framework and system;

- (r) develop guidelines for implementation of social assistance programmes and initiatives;
- (s) enter into association with such other bodies or organisations within or outside The Gambia as it may consider desirable or appropriate and in furtherance of the purposes for which it is established;
- (t) open a bank account or bank accounts for the funds of the Agency into which all monies received by the Agency shall be paid in the first instance and out of which all payments made by the Agency shall be made;
- (u) establish a repository of information and knowledge relevant to social protection in The Gambia and respond to requests for information;
- (v) conduct research on social protection independently or in partnership with other institutions; and
- (w) perform such other functions as may be necessary for the better carrying out of the functions of the Agency in relation to social protection and assistance under this Act.

6. Establishment and composition of the Board of Directors of the Agency

(1) There is established by this Act, the Board of Directors of the Agency which shall be the governing body of the Agency and it shall comprise –

- (a) a Chairperson appointed by the Minister in consultation with the Public Service Commission;
- (b) a Vice Chairperson to be elected from among the other Board members;
- (c) the Permanent Secretary, Office of the Minister or his or her designated representative;
- (d) the Permanent Secretary in the Ministry for the time being responsible for Gender, Children and Social Welfare or his or her designated representative;
- (e) the Permanent Secretary in the Ministry for the time being responsible for Finance or his or her designated representative;

- (f) the Permanent Secretary in the Ministry for the time being responsible for Health or his or her designated representative;
- (g) the Permanent Secretary in the Ministry for the time being responsible for Basic and Secondary Education or his or her designated representative;
- (h) the Permanent Secretary in the Ministry for the time being responsible for Lands and Regional Government or his or her designated representative;
- (i) the Executive Director of the Agency who shall also be the Secretary to the Board;
- (j) The Solicitor General and Legal Secretary or his or her designated representative; and
- (k) A representative from the private business sector to be nominated by the Gambia Chamber of Commerce.

(2) In appointing persons as members of the Board, the Minister shall –

- (a) have regard to the diversity of the peoples of The Gambia; and
- (b) ensure that not more than two-thirds of the members of the Board are of the same gender.

(3) A person shall be qualified for appointment as a Chairperson of the Board if he or she –

- (a) possesses academic knowledge and technical competence;
- (b) demonstrates the ability to provide leadership, and integrity and be ready to actively contribute to the promotion of the agenda for poverty and vulnerability in the county; and
- (c) have verse work experience in the field of social protection.

7. Tenure of office of none ex-officio members of the Board

A member appointed to the Board under paragraph (a), and (b) of section 6(1) shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.

8. Conduct of business and affairs of the Board

The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule.

9. Powers of the Board

The Board shall have all the powers necessary for the proper performance of its functions under this Act and, in particular but without prejudice to the generality of the foregoing, the Board shall have power to –

- (a) direct and approve the policies of the Agency;
- (b) oversee the objects and functions of the Agency;
- (c) provide overall directions on effective coordination of operations of the Agency;
- (d) administer the property and funds of the Agency in such a manner and for such purposes as will, in the opinion of the Board, promote the functions of the Agency; and
- (e) do anything incidental or conducive to the performance of any of the preceding functions.

10. Executive Director of the Agency

(1) There shall be an Executive Director of the Agency who shall be appointed by the President after consultation with the Board of Directors and Public Service Commission.

(2) The Executive Director shall be an ex-officio member of the Board but shall not have the right to vote at a meeting of the Board.

(3) The Executive Director shall be responsible for the day-to-day management and administration of the Agency.

(4) A person shall be qualified for appointment as Executive Director if he or she –

- (a) possesses Master's degree in Economics, Development Studies, other Social Sciences, or related field and has not less than ten years' relevant work experience;
- (b) has proven ability to provide leadership, integrity; and

- (c) is knowledgeable in or has actively contributed to the promotion of the development agenda of the poor and vulnerable persons in The Gambia.

11. Functions of the Executive Director

(1) The Executive Director shall be responsible for the direction of the affairs and transactions of the Agency, the exercise, discharge and performance of its objectives, functions and duties.

(2) The Executive Director shall –

- (a) supervise and ensure efficiency and discipline of the staff of the Agency;
- (b) manage the budget of the Agency to ensure that its funds are properly expended and accounted for;
- (c) manage other resources of the Agency;
- (d) Coordinate in consultation with Board all social protection programs in the country; and
- (e) perform such other duties as the Board may, from time to time, assign.

(3) The Executive Director shall submit to the Board for approval, not later than three months before the commencement of each financial year, a cost activity plan of the Agency in respect of that financial year.

12. Staff of the Agency

(1) The Board, in consultation with the Executive Director, may appoint such officers, agents and other staff as are necessary for the efficient discharge of its functions under this Act and upon such terms and conditions as the Board may determine.

(2) The existing Staff of the National Social Protection Secretariat immediately before the coming into force of this Act shall transition as staff of the Agency.

13. Experts and consultants

The Board may engage consultants and experts, as it considers appropriate, to assist in the discharge of the functions of the Agency.

14. Delegation by the Board

The Board may, by resolution either generally or in any particular case, delegate to the Executive Director of the Agency the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

15. Remuneration of members of the Board

The members of the Board shall be paid such remuneration, fees, and allowances as may be determined by the Minister.

16. Protection from personal liability

(1) A matter or thing done by a member of the Board or by an employee or agent of the Board shall not, if the matter or thing was done in good faith for executing the function, powers or duties of the Board under this Act, render such member, employee or agent of the Board or a person acting on their directions personally liable to any action, claim or demand.

(2) The provisions of sub-section (1) shall not relieve the Agency of liability to pay compensation or damages to a person, the person's property or the person's interests caused by the exercise of a power conferred by this Act or any other law.

17. Common seal

(1) The common seal of the Agency shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) Affixing of the common seal of the Agency shall be authenticated by the signature of the Chairperson or the Executive Director and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Executive Director.

(3) Notwithstanding the provisions of sub-section (2), the Board shall, in the absence of either the Executive Director in any particular matter, nominate one member to authenticate the seal of the Agency on behalf of either the Chairperson or the Executive Director.

(4) A deed, instrument, contract or other document executed in accordance with sub-section (2) shall bind the Agency.

PART III – SOCIAL ASSISTANCE

18. Types of social assistance

Social assistance may be provided to an applicant in the form of –

- (a) emergency assistance for a period not exceeding one month;
- (b) short term assistance for a period of not exceeding four consecutive months;
- (c) long term assistance for a period of four or more consecutive months, or special assistance as may be prescribed under Regulation.

19. Social assistance to persons in need

(1) The Agency shall, in accordance with this Act, coordinate social assistance to persons in need.

(2) The Minister shall, in consultation with the Agency, determine and Gazette the categories from which persons with need are to be drawn.

(3) Notwithstanding sub-section (2) persons in need shall include-

- (a) extremely poor individuals and households;
- (b) orphans and vulnerable children;
- (c) elderly persons;
- (d) unemployed persons;
- (e) persons disabled by acute or chronic illnesses;
- (f) widows and widowers;
- (g) persons with disabilities;
- (h) refugees, migrants and returnees;
- (i) prison inmates, juvenile inmates and their families;
- (j) individuals and families affected by HIV and AIDS; and

(k) any other persons as may from time to time be determined by the Minister, in consultation with the Board.

(4) To qualify for social assistance a person must meet the criteria set out under section 20.

20. Eligibility for social assistance

A person is entitled to social assistance if the person –

- (a) is a person in need as provided for under section 19 of this Act;
- (b) and complies with any requirement prescribed in Regulations by the Minister in consultation with the Agency.

21. Orphans and vulnerable children

A child qualifies for social assistance if that child –

- (a) is an orphan with no parents either biological or adoptive and is not under the care of a guardian who provides the basic needs of the child;
- (b) is under the care of a person who suffers a serious long-term ailment or disability which renders the person unable to care for the child;
- (c) has been abandoned by the parent or parents and is not under the care of a guardian who provides the basic needs of the child;
- (d) is under the care of parents or guardians who are unable to provide for the child's basic needs; or
- (e) withdrawn child from biological or adoptive parents

22. Older persons

A person qualifies for social assistance as an elderly person if the person -

- (a) has attained the age of sixty; and
- (b) has been neglected or abandoned without any ascertainable means of support, or lives or begs on the street for a living.

23. Unemployed persons

(1) A person qualifies for social assistance as an unemployed person if –

- (a) there is proof that the person has no source of income; and
- (b) the failure to have a source of income is not due to negligence or lack of industry by the person.

(2) The Agency shall review the assistance granted to unemployed persons under subsection (1) every six months to ascertain whether the person is still eligible for social assistance.

24. Persons with disabilities

A person with disability shall be eligible for social assistance under this Act if –

- (a) the person suffers from disability;
- (b) the person's disability renders him or her incapable of catering for his or her basic needs; and there is no known source of income or support for the person.

25. Social assistance programmes

The Minister shall in consultation with the Agency, provide programmes that are intended to –

- (a) assist in the development of individual, family and community capacity to become more resilient;
- (b) increase the ability of persons in need to assume greater responsibility for themselves;
- (c) provide support services to allow persons who may otherwise be in need to avoid dependence on public financial assistance;
- (d) provide psychosocial support for vulnerable individuals and groups;
and
- (e) lessen, remove or prevent the causes and effects of poverty.

26. Application for social assistance

(1) A person may apply for social assistance to any government institutions involved in social service provision for social protection or services, in the prescribed manner and form.

(2) Where an application is made by a person in accordance with sub-section (1), such institution may conduct an assessment to verify that the person is eligible, and the institution may request additional information.

(3) If the applicant –

(a) qualifies for social assistance as provided for under this Act, the institution shall render the relevant social assistance;

(b) does not qualify for social assistance in terms of this Act, the institution shall in writing, inform the applicant –

(i) that the applicant does not qualify for social assistance in terms of this Act;

(ii) of the reasons why the applicant does not qualify; and

(iii) of the applicant's right of appeal as specified under section 27 of this Act.

(4) The institution shall convey its decision to the applicant within one month from the time the application under sub-section (2) is received by the institution.

27. Appeals

(1) A person, who is aggrieved by a decision of the Agency under this Act, may request a review of the Agency's decision within thirty days of the communication of that decision.

(2) The Agency may make Regulation for grievance redress mechanism.

28. Abuse of social assistance

If in the opinion of the Board a beneficiary abuses their social assistance, the Board may –

(a) suspend payment of social assistance; or

- (b) appoint a person to receive social assistance on behalf of the beneficiary subject to the prescribed conditions and any other conditions that the Board may determine, for the benefit of the beneficiary.

29. Suspension of social assistance

The Agency may suspend or cancel social assistance if the social assistance was –

- (a) obtained through misrepresentation, deceit, fraud or failure to disclose any material information;
- (b) in excess of amounts permitted by this Act and/or Regulations made pursuant to this Act; and
- (c) approved and granted in error.

30. Termination of social assistance to persons who are absent from The Gambia

(1) The implementing institution in consultation with the Agency may terminate payment of social assistance to or on behalf of a person who is absent from The Gambia, for a continuous period of six months or longer.

(2) The implementing institution in consultation with the Agency may reinstate the provision of social assistance suspended under sub-section (1) where the Agency is satisfied that the reasons advanced by the applicant justify the reinstatement.

31. Refund to the Government

(1) If the implementing institution pays money erroneously to a person who is not entitled under this Act, the amount of money so paid is an amount due to the State and shall be payable to the State by the person.

(2) The implementing institution shall recover the amounts to which a person was not entitled, as provided for under sub-section (1), in accordance with this Act or any other law.

(3) The implementing institution shall remit an amount owing by a person in terms of sub-section (1) if the person satisfies the Agency that the person received the amount without knowing that they were not entitled to receive the payment.

32. Preservation of personal information of applicant

(1) A person may not divulge any information furnished by an applicant in respect of an application except –

- (a) to a person who requires it in order to perform a function under of this Act;
- (b) when required to do so in accordance to the law or by law or by an order of the court; or
- (c) with the consent of the applicant.

(2) If the information submitted by an applicant changes, the applicant shall inform the Agency of the change as soon as possible.

(3) Punitive action shall make reference to the data sharing protocol or to the existing data protection Law if the person contravenes sub-section (1).

33. Lapsing of social assistance

Social assistance lapses --

- (a) when the beneficiary dies; or
- (b) when a beneficiary is admitted to a residential institution.

34. Review of social assistance

The Agency shall review social assistance at any time where it has reason to believe that a change in the beneficiaries' circumstances may have occurred.

PART IV – FINANCIAL PROVISIONS

35. Sources of finance of the Agency

(1) The sources of finances required to meet the expenses of the Agency under sub-section (4) are --

- (a) monies appropriated to it by the National Assembly;
- (b) monies received in a way of donations, gifts, and grants in accordance with the legislation in force; and
- (c) such other monies as may accrue to the Agency from other sources.

(2) The monies accruing to the Agency under sub-section (1) shall be paid into an operational account to be maintained by the Agency.

(3) The Agency shall have control over the use of its funds.

(4) The following expenses may be defrayed from the monies received by the Agency in pursuance of sub-section (1) –

- (a) the cost of administration of the Agency and the Board;
- (b) the reimbursement to the Agency members or any committee appointed by the Agency for such expenses as may be authorised by the Agency, in accordance with the rates approved by the Board;
- (c) the payments of salaries, fees and other remuneration, allowances, pensions and gratuities payable to Agency members, employees of the Agency, as appropriate, and experts, professionals or agents appointed by the Agency;
- (d) the maintenance of any property acquired or vested in the Agency; and
- (e) meeting such other expenses as may be approved by the Board for the purposes of this Act.

36. Financial Year

The financial year of the Agency shall be the period of twelve months ending on the thirty-first December in each year.

37. Estimates, accounts and audit

(1) The Agency shall, not later than three months before the end of each financial year, prepare and submit to the Minister, estimates of the income and expenditure of the Agency for the ensuing year.

(2) The Agency shall keep proper records and books of accounts of its income and expenditure.

(3) The Agency shall prepare, in respect of each financial year, a financial statement.

(4) The Agency shall submit the financial statement by the end of each financial year to the Auditor-General and shall be subjected to audit.

(5) The audited accounts of the Agency and the Auditor-General's report on those accounts shall form part of the Auditor-General's overall report to the National Assembly.

38. Annual report

(1) The Agency shall, not later than three months after the end of each financial year, submit to the Minister, in respect of the financial year, an annual report on the financial statement of the Agency.

(2) The report under sub-section (1) shall include –

- (a) a statement on the income, source of income and application of monies of the Agency;
- (b) information with regard the operation and performance of the Agency; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than three months after the end of the financial year, cause the report to be laid before the National Assembly.

(4) The Agency shall also, from time to time, provide the Minister with such information relating to the affairs of the Agency as the Minister may request.

39. Duty Waiver

The Minister of Finance may in appropriate cases grant duty waiver for the Agency.

PART V – SOCIAL PROTECTION FUND

40. Establishment of Social Protection Fund

(1) There shall be established by this Act, a Fund to be called the Social Protection Fund into which shall be paid –

- (a) all contributions;
- (b) all interests, dividends or other income derived from the assets of the Fund;
- (c) all sums properly accruing to the Fund under this Act, including the repayment of assistance;
- (d) such other sums as may be appropriated by the National Assembly for the purposes of this Act;

(e) all assets and all other funds held in trust for the Fund; and

(f) any sums transferable to the Fund.

(2) There shall be paid out of the Fund –

(a) all assistance;

(b) all liabilities incurred by the Fund;

(c) any sums expended for carrying out any surveys or research for the purpose of gathering any data which the Minister considers necessary for the performance of the functions of the Fund under this Act;

(d) all other monies which the Minister may consider to be reasonable and necessary for the proper and efficient performance of the functions of the Fund; and

(e) any other payments authorised under this Act.

(3) The Minister in consultation with the Board shall make Regulations to make provisions for the administration of the Social Protection Fund.

41. Objectives of the Fund

The objectives of the Fund include –

(a) establishing an efficient, complementary and demand-driven mechanism for delivering social assistance to vulnerable persons;

(b) financing projects in the areas of social protection, including but limited to, basic infrastructure and small-scale productive activities;

(c) providing for the improvement of living conditions, promotion of community participation and enhancement of social protection infrastructure related to health, education, financial and other assistance;

(d) providing assistance or skill training opportunities to vulnerable persons to alleviate socio-economic hardship or otherwise.

PART V – MISCELLANEOUS PROVISIONS

42. False or misleading statements or information

A person commits an offence if the person knowingly –

- (a) makes a false or misleading statement in any application or report under this Act or makes an application or report that by reason of non-disclosure of facts is false or misleading;
- (b) provides any person employed in the administration or enforcement of this Act with any statement or information that is false in any material part;
- (c) cashes a cheque for assistance to which the person is not entitled;
- (d) fails to report that the circumstances which caused the person to qualify for assistance have changed;
- (e) communicates or allows to be communicated to any person privileged information or allows a person to inspect or have access to a statement or other writing containing any such information; or
- (f) persistently refuses or neglects to maintain any other person for whose maintenance the person is liable.

(2) A person who is convicted of an offence under sub-section (1) shall be guilty of an offence and shall be liable to a fine not exceeding one hundred thousand dalasis or imprisonment for a term not exceeding one year, or both.

(3) In addition to aforementioned, the court may award costs which will be deposited in the Social Protection Fund established in section 40.

43. General penalty

A person who is found guilty of an offence under this Act for which no penalty is expressly provided shall be liable to a fine not exceeding one hundred thousand dalasis or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

44. Regulations

The Minister in consultation with the Board may make Regulations generally for the better carrying out of the provisions of this Act and, without limiting the generality of the forgoing, the Minister in consultation with the Board, may make Regulations –

- (a) prescribing procedures for the consideration of information and the granting of social assistance;
- (b) providing for the investigation of applications in order to determine the eligibility of applicants;
- (c) in respect of financial resources and the manner in which they are considered in determining eligibility for social assistance;
- (d) in respect of kinds and amounts of social assistance that may be granted to an applicant and the manner and time in which such assistance may be given;
- (e) prescribing the circumstances and conditions under which social assistance is required to be assessed, changed or revoked;
- (f) on the income and assets of an applicant to be taken into account in determining the amount of social assistance;
- (g) describing the forms to be used under this Act;
- (h) prescribing the approval of residential institutions and the granting of social assistance to the residents of those residential institutions;
- (i) in respect of the recovery of overpayment of social assistance and repayments of monies granted or paid under this Act;
- (j) on any condition or limitations subject to which any assistance shall be made;
- (k) on the postponement of any payment of social assistance pending any relevant inquiry; and
- (l) on any matter which it is necessary to prescribe for the effective carrying out or furtherance of the provisions or objects of this Act.

SCHEDULE

[Section 8.]

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE AGENCY

1. Vacation of office

A member appointed to the Board under Section 5(1) of the Act shall cease to be a member if the member –

- (a) notifies the Board or Minister in the case of the Chairperson with written notice of resignation;
- (b) is absent without the written permission of the Chairperson or Minister notified to the Agency, from three consecutive meetings of the Board;
- (c) is convicted of a criminal offence and is sentenced to imprisonment for a term exceeding six months with or without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing the duties of the office of a member of the Board.

2. Meeting of the Board

(1) The Board shall hold such a number of meetings at such places and at such times as the Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding sub-section (1), the Board shall meet not less than four times in each financial year.

(3) At least fourteen days' notice shall be given prior to any meeting of the Board.

3. Special meetings

The Chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the Board by giving not less than seven days' notice to the members.

4. Presiding at meetings

(1) The Chairperson shall preside at all meetings of the Board.

(2) In the absence of the Chairperson at a meeting, the Vice-Chairperson shall preside at that meeting of the Board.

(3) In the absence of the Chairperson and the Vice Chairperson at a meeting, the members present shall elect a member to preside at that meeting of the Board.

5. Quorum

The quorum for the conduct of business at meetings of the Board shall be seven members including the Chairperson or Vice Chairperson or the Executive Director of the Agency.

6. Voting

(1) A decision on any matter before the Board shall be by a majority of votes of the members present and voting.

(2) In the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

7. Vacancies and defects in appointment

Proceedings of the Board shall not be invalid by reason only of a vacancy in the membership of the Board or by reason of a defect in the appointment of a member.

8. Minutes

(1) Minutes of the proceedings at meetings of the Board shall be kept in such a manner as the Chairperson shall direct.

(2) The minutes of the meetings of the Agency shall be available to the Minister or to a person nominated by the Minister, on the request of the Minister.

9. Committees of the Agency

The Board may establish such committees as may be necessary for the performance of the functions of the Agency.

10. Power of the Board to regulate its own procedure

Subject to the provisions of this Schedule, the Board shall regulate its own procedure.

11. Code of conduct

Within one year of the commencement of this Act, the Board shall establish a code of conduct, applicable to all members of staff of the Agency and justifiable for purposes of disciplinary proceedings, to ensure –

- (a) compliance with applicable law;
- (b) the effective and efficient use of the Agency's resources;
- (c) the effective and efficient use of funds designated for payment to beneficiaries of social protection;
- (d) the promotion and assistance of the human dignity of beneficiaries of social protection;
- (e) the promotion and maintenance of a high standard of professional ethics;
- (f) the prevention of conflicts of interest; and
- (g) the assistance of confidential information held by the Agency.

12. Conflict of Interest

- (1) A member or employee of the Board shall be considered to have a conflict of interest for the purpose pecuniary or other interest that could conflict with the proper performance of the member's or employee's duties as a member or employee of the Board.
- (2) If at any time a member or employee of the Board has a conflict of interest in relation to any matter before the Board for consideration or determination or any matter the Board could reasonably expect might come before it for consideration or determination the member or employee shall immediately disclose the conflict of interest to the other members of the Board and refrain from taking part, or any further part, in the consideration or determination of the matter.
- (3) Where the Board becomes aware that a member or employee has a conflict of interest in relation to any matter before the Board, the Board shall direct the member or employee to refrain from taking part, or taking any further part in the consideration or determination of the matter.
- (4) If the chairperson has a conflict of interest, in addition to complying with the other provisions of this section, disclose the conflict that exists to the Minister in writing.

(5) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or employee or the Board and the member with the conflict of interest shall not vote on this determination.

(6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in paragraph (5), the member shall vacate office as a member of the Board unless the member has eliminated the conflict to the satisfaction of the Board within thirty days of the declaration of the conflict of interest.

(7) Where a member decides not to disclose a conflict of interest, that member shall be dismissed from the Board and or the Agency with immediate effect.

(8) The Board shall report to the Minister any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(9) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(10) The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

The National Social Protection Act, 2024

PASSED in the National Assembly this 24th day of July, in the year of Our Lord
Twenty Twenty Four.



M. A. Sise

Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill
which has passed in the National Assembly, and found by me to be a true and correct copy of
the said Bill.



M. A. Sise

Clerk of the National Assembly.

