

CHAPTER 117

MOTHERLESS BABIES' HOMES (ESTABLISHMENT AND MANAGEMENT) LAW

Arrangement of sections

Section

1. Short title
2. Interpretation.
3. Registration.
4. Management of Motherless Babies Home
5. Application for registration
6. Conditions for registration
7. Certificate of registration
8. Renewal of registration
9. Register of Motherless babies' Homes
10. Inspection of Motherless babies' Home.
11. Power to cancel or suspend registration.
12. Existing motherless babies' Home to be registered
13. Delegation of Commissioner's functions.
14. Failure to register a home
15. Failure to renew registration.
16. Obstructing Commissioner. etc
17. Offences.
18. Power to make regulations.

CHAPTER 117

MOTHERLESS BABIES' HOMES (ESTABLISHMENT AND MANAGEMENT) LAW

ANSL Cap.
93

This Law make provisions for the establishment, registration and management of motherless babies' homes in the State.

[27th August 1991]

1. This law, may be cited as the Motherless Babies Homes Establishment and Management) Law,

Short title

2. In this law—
“child” means a child who is not more than one year old and in relation to whom the provisions of this Law or any regulations made thereunder apply;
“Commissioner” means the State Commissioner for the time being charged with

Interpretation

responsibility for mailers relating to social welfare; "Government" means the Government of the State '

"manager" includes—

- (a) in relation to a motherless babies' home conducted by the proprietor in person, the proprietor; anti
- (b) in relation to a motherless babies' home not conducted by the proprietor himself, the person for the time being appointed by the proprietor to manage live home;

"Ministry " means the State Ministry for the time being having responsibility for matters relating to social welfare;

"Motherless babies" home or "home" means an institution where a child who is not more than one year old and whose mother is dead or missing or has abandoned him is received and cared for as provided in this Law or any regulations made thereunder.

"prescribed" means prescribed in the regulations made under this Law;

"proprietor" means any person or group of persons normally resident in Nigeria by whom a motherless babies' home is established; "State" means Enugu State at Nigeria

Registration

3. Subject to the provisions of this Law, no body of persons whether unincorporate or corporate or community shall establish or manage a motherless babies' home unless such home has been duly registered under the provisions of this Law.

Management of
motherless
babies Home

4. Subject to the provisions of this Law, every motherless baby's home shall be under the management of a manager who shall be responsible for the carrying into effect in the home concerned the provisions of the Law and of any regulations made thereunder.

Application for
registration

5. (1) Application to the Commissioner for the registration of a home shall be made by the proprietor on an application form to be provided by the Commissioner.
(2) The application form referred to in subsection (1) may be as in Form A in the Schedule hereto.

Conditions for
registration

6. Subject to the provisions of this Law, a motherless babies' home shall not be registered unless the Commissioner is satisfied—
- (a) that the manager of the home or any other person employed to serve therein is a person qualified as may be prescribed in that behalf in any regulations made hereunder and is in all other respects a fit and proper person;
 - (b) that the site and buildings of the home are in all respects satisfactory;
 - (c) that the equipment of the home is suitable and sufficient to meet its requirements;
 - (d) that adequate feeding arrangements with suitable diet and medical supervision have been provided for;
 - (e) that adequate arrangements have been made for keeping of the records of the children; and
 - (f) that the home in all other respects complies with the provisions of any regulations made hereunder.

7. (I) The Commissioner shall, on being satisfied that the conditions for registration prescribed by this Law and the regulations made thereunder have been met. issue in respect of a motherless babies' home for which an application has been made under this Law a certificate of registration

Certificate of
registration

Inspection of
Motherless
Babies' Home.

(2) A certificate of registration issued pursuant to subsection (1) shall be as in Form B in the Schedule hereto.

8. (I) The registration of a motherless babies' home under this Law shall be annually at the commencement of every financial year upon payment of such fee as prescribed.

Renewal of
Registration
Power in Cancel
suspend
stration

(2) A certificate of renewal of registration shall be as in Form C, in the Schedule hereto.

7. (1) The Commissioner shall cause to be kept a register of all motherless babies' homes registered under this law.

(2) There shall in respect of each home be recorded in the register referred to in subsection (I) the following particulars—

- (a) the name of the motherless babies' home
- (b) the name of the proprietor;
- (c) the name of the manager of the home
- (d) the address of the premises in which the home is located
- (e) the maximum number of children entitled to be placed in the custody of such home; and
- (f) the number of the certificate of registration of the home.

Inspection of
motherless
Babies Home

(3) The register to which this section applies may be amended from time to time so as to take into account any change of circumstances affecting a motherless babies' home.

8. Any person authorized by the Commissioner and producing, if so required, some document duly authenticated by the Commissioner as evidence of his authority, may at all reasonable times enter and inspect any premises which are used as a motherless baby' home, and may inspect the children, the arrangements for their welfare and any records required to be kept under this Law or any regulations made thereunder.

Power to cancel
or suspend
registration

9. (1) Where it appears to the Commissioner that the provisions of this Law and of any regulations made thereunder registration or any of them are not being complied with in relation to a motherless baby's home, or that circumstances exist which would have justified a refusal to register such home he may order—

- (a) suspend the registration of such home until the conditions which caused the order of suspension to, be issued have been rectified; or
- (b) cancel the registration of such home;

Provided that no such order of suspension or cancellation shall be made until the conditions on account of which such order is contemplated have been conveyed in writing to the manager or the proprietor thereof and the manager or proprietor has

had an opportunity of representing his case either personally or in writing to the Commissioner.

(2) When an order of suspension or cancellation of the registration of a motherless babies' home has been made under subsection (1) such home shall thereupon be closed by the proprietor or manager and no other child shall be admitted thereto and the children already admitted into the home shall in the discretion of the Commissioner be discharged or transferred to another home.

(3) The manager or the proprietor who is aggrieved by an order of suspension or cancellation made under this section may apply to the High Court having jurisdiction in the area where the home concerned is situated for an order revoking the suspension or cancellation order, but the order of suspension or cancellation shall remain in force until it is revoked by the Court.

(4) The application to the High Court under subsection (3) shall be made within fourteen days of the order of suspension or cancellation of registration of the home concerned

(5) Any order of suspension or cancellation made under (his section shall be in addition to any proceedings which may be instituted in respect of any contravention or failure to comply with the provisions of this Law or any regulations made thereunder and to any penalties which may be imposed on conviction in such proceedings whether or not such conviction is had on the same facts on which the order of suspension or cancellation was made

10. Every motherless baby's home existing and functioning in the State as at the time of commencement of the Law shall within sixty days from the date of coming into force of this Law be registered by the proprietor thereof in accordance with the provisions of this Law.

11. The commissioner may delegate any of the functions conferred upon him by this Law other than any power to make regulations under this Law
other than any power to make regulations under this Law.

Delegation of
commissioner's
function

(2) Any such delegation shall be revocable at will and no delegation shall prevent the exercise by the Commissioner of any of the functions delegated.

(3) The delegation may be made either generally or in respect of any particular function and shall be in writing and. when made generally, shall be published in the State Gazette.

12. Where the proprietor of a motherless babies' home fails or neglects to register that home in accordance with the provisions of this Law such proprietor shall be guilty of an offence and on conviction shall be liable to imprisonment for six months or to fine of five hundred naira; and if the offence of which he is convicted in continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not-exceed mg twenty naira for each day in which the offence so continued.

Failure to register
a Home

13. Where the proprietor of a motherless babies' home registered under this Law fails or neglects to renew the registration of that home after it has become due in accordance with this Law. such proprietor shall be guilty of an offence and on conviction shall be liable to

Failure to renew
registration

Existing
Motherless
Babies' home
to be
Registered.

imprisonment for three months or to a fine of three hundred naira: and if the offence of which he is convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty naira for each day in which the offence is so continued.

14. A manager or other person for the time being in charge of a motherless babies' home who obstructs the Commissioner or such other person as may be authorized by the Commissioner in the performance of his duties under this Law- or who on demand by the Commissioner or such other authorized person gives any information which he knows to be false or does not believe to be true shall be guilty of a offence and on conviction shall be liable to imprisonment for six months or to fine or five hundred naira to both such fine and imprisonment.

Obstructing
commissioner.
etc.

Offences

17(1) A person who publishes an advertisement in connection with a motherless babies' home which has not been registered under this Law is guilty of an offence

(2) Where there is in force an order of suspension or cancellation of the registration of a motherless babies' home and such an order has not been revoked by court in which an application for its revocation may have been made, a proprietor or manager who fails to close or keep closed the home upon the coming into force of the order of suspension or cancellation is guilty of an offence.

(3) A proprietor or a manager who runs or manages a motherless baby in respect of which an offence has been committed under subsection (2) is guilty of an offence.

(4) A proprietor or manager who is guilty of an offence under this section shall on conviction be liable to imprisonment for six months or to a fine of five hundred naira.

Power to make
regulations.

18. The Commissioner may make regulations in respect of the establishment, conduct, supervision and inspection of motherless babies' homes, the conditions for registration, and generally for the carrying into effect of the purposes of this Law and, without prejudice to the generally of the power so conferred, any regulations made under this section may provide for—

- (a) any matter or thing required to be prescribed under the provisions of this Law;
- (b) regulating the accommodation for children in a motherless babies' home;
- (c) specifications of buildings for the purposes of motherless babies' home;
- (d) the standards of sanitary arrangements;
- (e) specifications of furniture and toys for the purposes of a motherless babies' home.
- (f) requisite qualifications for the manager and other staff of motherless babies' home,

- (g) fees payable—
- (i) for registration of a motherless babies' home.
- (ii) for the annual renewal of registration of a motherless babies' home:
 - (iii) in respect of each child for his care and upkeep;
 - (iv) in respect of any other matter the Commissioner may consider appropriate;
- (h) the registers and records to be kept by a motherless babies' home;
- (i) the feeding and medical care of children in a motherless babies' home;
- (j) the conduct of the inspection of motherless babies' homes;
- (k) the making of reports of inspections and the notification to any person of the contents or part there of any report;
- (l) the manner in which any person affected by a report may notify the authority to whom it is made that he disputes any fact or opinion contained in that report;
- (m) the conditions for admission of a child into a motherless babies' home and the age at which a child may be discharged from such home;
- (n) regulating the hours of visit to a motherless babies' home.

SCHEDULE

FORM A (Section 5 (2))

FORM OF APPLICATION FOR REGISTRATION OF A MOTHERLESS BABIES' HOME UNDER THE MOTHERLESS BABIES' HOMES (ESTABLISHMENT AND MANAGEMENT) LAW

- 1.
2. Name of Motherless Babies' Homes

3. Situation of Motherless Babies Homes -----
4. Name and Address of proprietor -----
5. -----
6. Manager of Motherless Babies' Home -----
 - (a) Name and Address of proprietor -----
 - (b) Qualifications (with dates) -----
7. Particulars of other staff and qualifications:
 - (a) -----
 - (b) -----
 - (c) -----
 - (d) -----
 - (e) -----
6. Maximum number of children to be admitted
7. Amenities available fat children in Motherless Babies' Home:
 - (a) -----

(b)
(c)
(d)
(e)

Signature of Applicant.....
Name (Printed).....
Contact Address.....
Date.....

Note: There must be attached to this application a photocopy of valid tax clearance certificate.

FORM B
(Section 7(2))
CERTIFICATE OF REGISTRATION

This is to certify that.....
that (name of home)
of.....

(address)

has been registered as a motherless babies' home under the Motherless Babies' Homes
(Establishment and Management) Edict 1990

Name of Proprietor.....

Maximum number of Children admissible.....

Registration No.....

Renewal Date.....

DATED this day of 20

Signed.....

For Commissioner for Information

Social Development, Youth, Spans and Culture