Extraordinary

National Assembly Journal

No. 48 **Abuja - 13th February, 2012** **Vol. 8**

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Printed and Published by the National Assembly Press, Abuja, Nigeria
NASS 48/132012/800

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

A BILL

FOR

AN ACT TO ENSURE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO THE SOCIETY AND ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES AND VEST IT WITH THE RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC, CIVIL RIGHTS

Sponsored by Senator Nurudeen Abatemi-Usman

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART 1 - PROHIBITION OF DISCRIMINATION AND HARMFUL TREATMENT

Prohibition of discrimination and penalty

1. -(1) A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance whatsoever.

(2) A person who contravenes subsection (I) of this section commits an offence and is liable on conviction to, if the person is:

(a) a body corporate, a fine of N1,000,000.00; and

(b) an individual, a fine of N100,000 or 6 months imprisonment or both.

(3) Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Bill the person against whom any such crime or wrong is committed may maintain a civil action against any such person committing the offence or causing the injury, without prejudice to any conviction or acquittal.

PART II - AWARENESS

Awareness programmes.

2. The Federal Ministry of Information shall make provisions for

promotion of Awareness:

(a) the rights, respect and dignity of persons with disabilities,

(b) the capabilities, achievements and contributions of persons with disabilities to the society.

PART III - ACCESSIBILITY OF PHYSICAL STRUCTURES

Right of access to public premises, etc.

3. A person with disabilities shall have the right to access the physical environment and buildings on an equal basis with others.

Accessibility aids in public building.

4. A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps and any other facility that shall make them accessible and usable to in persons with disability.

Accessibility to roads and sidewalk.

5. Road side-walk, pedestrian crossing and all other facilities made for public use shall be made accessible to and useable by persons with disabilities including those on wheelchairs and the visually impaired.

Transitory period

6. From the date of the commencement of this Bill, there shall be a transitory period of 5 years within which all public buildings and structures, whether immovable, movable or automobile, which were inaccessible to persons with disability shall be modified to be accessible to and usable by persons with disability including those on wheelchairs.

Building plan.

7.-(1) Before erecting any public structure, its plan shall be scrutinised by the relevant authority to ensure that the plan conforms with the building code.

(2) No government or government agency, or body or individual responsible for the approval of building plans shall approve the plan of a public building if the plan does not make provision for accessibility facilities in line with building code.

Penalty

(3) Any officer or officers who approve(s) or direct(s) the approval of a building plan that contravenes the building code shall be liable to a fine of a minimum of N1,000,000 or two years imprisonment or to both such fine and imprisonment.

Complaint of inaccessibility.

8.-(1) Subject to section 7, in the event of existence of a state of

inaccessibility or barrier to access of a person with disability to the environment that he or she has a right or duty to access, he may, without prejudice to his or her right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment, and it shall be the duty of the relevant authority in charge to take immediate and necessary steps to remove the barrier and make the environment accessible to the person with disability .

(2) If the relevant authority in charge receives the notice in subsection (1) of this section but fails to comply, shall be liable to:

(a) if a corporate body, N10,000 damages payable to the affected person for each day of default: or

(b) if an individual, N5,000 damages payable to the affected person each day of default or 6 months imprisonment or both.

PART IV - ROAD TRANSPORTATION

Goods, services and facilities.

9. It is unlawful for a person (the provider) who (whether for payment or not) provides goods or services, or makes facilities available, to discriminate against another person with disability:

(a) by refusing to provide those goods or services or make those facilities available to him; or

(b) on such terms or conditions on which the provider provides those goods or services or makes those facilities available to him; or

(c) in a manner in which the provider provides those goods or services or makes those facilities available to him.

Accessibility of vehicles.

10.-(1) Government Transport services providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus-stop to persons with disabilities including those on wheel chairs.

(2) Every public vehicle should have functional audible and visual display of their destination within 5 years from the commencement of this

Bill.

Waivers of charges on assistive.

11. Wheelchairs, crutches, guide canes (for blind), braces and any other mobility aid and appliance or assistive devices used by a person with disability shall not be subject to charges, provided they are not carried in commercial quantities and for commercial purposes.

Reserved spaces

12.-(1) At public parking lots, suitable spaces shall be properly marked and reserved for persons with disabilities.

(2) For a person with disability to be entitled to the use of the reserved space in subsection (1) of this section, his car shall have been properly identified with the necessary insignia.

(3) A person, organisation or corporate body in control of a public parking lot who fails to provide for the reserved spaces in subsection (1) of this section commits an offence and is liable on conviction to a fine of N1,000 for each day of default:

(4) A person without disability who parks a vehicle in the reserved space in subsection (1) of this section commits an offence and is liable on conviction to a fine of N5,000.

(5) A person who unlawfully obstructs the reserved space in subsection (1) of this section commits an offence and is liable on conviction to a fine of N5,000.

(6) Subsection (4) of this section does not apply if a person with disability is a passenger in the vehicle.

PART V - SEAPORTS AND RAILWAYS

Seaports and railways

13. -(1) Seaports and facilities therein as well as vessel shall be made accessible to person with disabilities.

(2) Railway stations, trains and facilities therein shall be made accessible to persons with disabilities.

Transitory period for railways and seaports.

14. The provisions of section 14 shall be subjected to the transitory provision contained in Section (8).

PART VI - AIRPORT FACILITIES

Assistive service and airline

15. -(1) All airlines operating in Nigeria shall:

(a) ensure the accessibility of their aircraft to persons with disabilities;

(b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need it to and from the aircraft;

(c) ensure that persons with disabilities are assisted to get on and off board in safety and reasonable comfort;

(d) ensure that persons with disabilities are accorded priority while boarding and disembarking from the aircraft.

(2) All airports shall make available for the conveyance of persons with disabilities who need it to and from the aircraft, a presentable and functional assistive and protective device.

Special safety briefing of person with disabilities.

16. Any general information shall be translated into the accessible format appropriate to the person with disability present.

PART VII - RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN EMERGENCIES

Situation of risk and humanitarian emergencies.

17. In all situations of risk, including situations of violence, emergencies and the occurrences of natural disasters:

(a) Government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognisance of their peculiar vulnerability.

Service at queues.

18. -(1) In queues, persons with disabilities shall be given first consideration, and as much as possible should be attended to outside the queue.

Penalty

(2) Any person in breach of this section shall be liable on conviction to 6 months imprisonment or fine of N50,000.00 or both.

PART VIII - LIBERTY

Prohibition of use of Person with disabilities in soliciting for alms and penalty.

19. -(1) No person shall:

(a) Employ, use or involve a person with disability in begging;

(b) parade persons with disabilities in public with intention of soliciting alms:

(c) use condition of disability as a guise for the purpose of begging in public.

(2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to 6 months imprisonment or a fine of N100,000 or both.

PART IX - COMMUNAL LIFE

Freedom of movement

20. Persons with disabilities shall have the liberty of movement within or out of the Country and freedom to choose their residence on an equal basis with others.

Prohibition of segregation

21. Except on medical grounds or in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, a person with disability shall not be isolated or segregated from the community or compelled to live in a particular area.

Right to free education

22.-(1) Every person with disability shall have an unfettered right to education without discrimination or segregation in any form.

(2) Persons with disability shall be entitled to free education to secondary school level. The Commission shall provide educational assistive devices.

Inclusiveness of education.

23.-(1) All public schools, whether primary, secondary or tertiary shall be run to be inclusive of and accessible to person with disabilities. accordingly every school shall have:

(a) at least a trained personnel to cater for the educational development of persons with disabilities;

(b) special facilities for the effective education of persons with disabilities.

(2) Braille, sign language and other skills for communicating with person with disabilities shall form part of the curricula of primary, secondary and tertiary institutions .

Free education for special education personnel

24. The education of special education personnel shall be highly subsidized.

Appropriate mode of education for persons with disabilities

25. Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate languages and modes and means of communication for the individual, and in, environments which maximizes academic and social development.

Free healthcare

26.-(1) Government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination on the basis of disability .

(2) A person with mental disability shall be entitled to free medical and health service in all public health institutions.

Certificate of disability

27.-(1) Every person with disability shall obtain a Permanent Certificate of disability from the Commission.

(2) Where a doctor suspects disability in the course of treatment of a person who hitherto was not a person with disability, the Doctor may with the approval of the Commission issue a Temporary Certificate of Disability which shall last for not longer than 180 days.

(3) If the state of disability persists beyond 180 days, the Commission on the recommendation of a doctor shall issue the person a Permanent Certificate of Disability, which shall last as long as the state of the disability persists.

(4) Any person issued with a Permanent Certificate of Disability, shall be entitled to all Rights and privileges in this Bill.

Unlawful procurement of certificate of disability.

(5) Any person who unlawfully issues or unlawfully obtains certificate of disability shall be liable to a fine of N200,000.00 or 1 year imprisonment or both.

Provision of special communication at hospitals

28. Any public -hospital where a person with communicational disabilities is medically attended to shall ensure provision for special communication

Equal right to work.

29.-(1) Persons with disabilities shall have the right to work, on an equal basis with others; this includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open.

(2) A person in breach of this section shall be liable on conviction to nominal damages of a minimum of N250,000.00 payable to the affected person with disability .

(3) Where a company is in breach of this section:

(a) the company shall be liable to nominal damages of a minimum of N500,000 payable to the affected person with disability; and

(b) any principal officer of the company involved in the violation shall be liable to N50,000 damages payable to the affected person with disability.

Job security.

30. All employers of labour in public organisation shall as much as possible have person with disabilities constituting at least 5 % of their employment.

PART XII - ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

Accommo-dation

31. Where accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organisations for their members, government for the people and in any other circumstance whatsoever, persons with disabilities shall be given first consideration.

PART XIII - PARTICIPATION IN POLITICS AND PUBLIC LIFE

Participation in politics.

32.-(1) Persons with disabilities shall be encouraged to fully participate in politics and public life.

(2) Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in:

(a) the conduct of public affairs without discrimination;

(b) Non-governmental organizations and associations concerned

with the public and political life of the country; and

(c) activities and administration of political parties.

PART XIV - ESTABLISHMENT OF THE COMMISSION

National Commission.

33. There is established a body to be known as the National Commission for persons with disability (in this Bill referred to as "the Commission") to be placed under the Presidency.

Membership of Governing Council.

34.-(1) There is established a Governing Council for the Commission (in this Bill referred to as the "the Council") which shall conduct the affairs of the Commission.

(2) The Council shall consists of:

(a) a full time Chairman;

(b) representatives from the Nigeria geopolitical zones who shall be persons with disability;

(c) a representative each from:

(i) Federal Ministry of Education;

(ii) Federal Ministry of Health;

(iii) Federal Ministry of Sports;

(iv) Federal Ministry of Women Affairs;

(v) Federal Ministry of Housing;

(vi) Federal Ministry of Transport;

(vii) Federal Ministry of Environment;

(viii) Federal Ministry of Labour and Productivity;

(ix) Federal Ministry of Justice;

(x) National Human Rights Commission and the National Planning Commission; and

(xi) One (1) person from each geopolitical zone.

(3) The Chairman of the Council and representatives of the Nigeria geopolitical zones shall be appointed by the President subject to the confirmation of the Senate.

(4) The Chairman and other members of the Council shall be

persons of proven integrity, honour and ability with genuine concern for an interest in the protection and integration of persons with disability.

Proceeding of Council.

35. The supplementary provisions set out in the schedule to this bill shall have effect with respect to the proceeding of the Council and the other matter contained therein.

Tenure of office.

36. Subject to section 37 of this Act, the Chairman and members of the Council shall each hold office:

(a) for a term of 4 years and may be re-appointed for a further term of 4 years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

Cessation of office.

37. -(1) A person shall cease to hold office as a member of the Council on the occurrences of any of the following:

(a) if he becomes bankrupt; or compounds with his creditors; or

(b) he is convicted of a felony or any offence involving dishonesty or fraud; or

(c) he is disqualified of his professional qualification;

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

(e) he resigns his appointment by a letter addressed to the President.

(2) Where a member of the Council ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the' unexpired term.

(3) A member of the council may be removed by the president on the recommendation of council if he is satisfied that it is not in the interest of the commission or the interest of the public that the member continue in office.

Allowances of members.

38. Members of the Council shall be paid allowances and expenses as the Government may direct from time to time.

Power of the Council.

39. The Council shall have power to:

(a) manage and superintend over the affairs of the Commission;

(b) make rules and regulations for the effective running of the Commission;

(c) employ the staff of the Commission on such remuneration or allowance as payable to persons in similar organisation in the Country;

(d) enter into such contract as may be necessary or expedient for the discharge of its function and ensure efficient performance of the functions of the Commission; and

(e) receive, disburse and account for funds of the Commission.

PART XV - FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the Commission.

40. The functions of the Commission shall be:

(a) to formulate and implement policies and guidelines as appropriate for the education and social development of persons with disability;

(b) to prepare schemes designed to promote social welfare of person with disability and the estimate of cost of implementing such schemes;

(c) to promote and uplift the general social well-being of persons with disability by encouraging the public to change their attitude toward person with disability;

(d) to make available not less than 5 % of the work force to qualified persons with disability;

(e) to enlighten the public and encourage persons with disability;

(f) to collect data and records on special education of persons with disabilities, which shall be a regular exercise so that the persons with disability are identified, and enumerated for planning and treatment;

(g) to ensure that all facilities in each community allover the federation shall be built or modified (where and when feasible) to accommodate the special need of persons with disabilities;

(h) to ensure the monitoring, evaluation and realisation of government policy objectives on persons with disabilities;

(I) to facilitate the procurement of scholarship awards for persons with disabilities up to university level;

(j) establishing and promoting inclusive schools, vocational and rehabilitation centres for the development of persons with disabilities;

(k) liaising with the public and private sectors as well as other bodies to ensure that the peculiar interests of person with disabilities are taken into consideration in every government policy, programme and activity;

(1) issue insignia of identification of persons with disabilities;

(m) enforcement of compliance of public buildings codes and imposing necessary sanctions and make appropriate orders;

(n) receiving of complaints of persons with disabilities on the violation of their rights;

(0) support an individual's right to seek redress in court, investigation, prosecution or sanctioning (in appropriate cases) the violation of the provision of this Bill;

(P) ensuring research development and education on disability issues and disable persons;

(q) to collaborate with the media to make information available in accessible format for person with disabilities;

(r) procuring of assistive devices for all disability types.

Powers of the Commission.

41.-(1) The Commission has power to do any lawful thing, which will facilitate carrying out of its functions and in particular may:

(a) sue and be sued in its corporate names;

(b) acquire, hold and manage movable and immovable property;

(c) enter into contract for the education and welfare of persons with disability;

(d) purchase or acquire any assets! business or property considered necessary for the proper conduct of its functions;

(e) sell, let, lease or dispose of any of its property;

(f) undertake or sponsor research where necessary for the

performance of its functions; and

(g) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission.

(2) The power conferred on the Commission may be exercised by it or through any of its employees or agent authorised in that behalf by the Commission.

(3) The Commission shall not be subjected to direction, control or suspension by any other authority or person in the performance of its function under this bill other than the President.

PART XVI - APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF

Appointment and duties of the Executive Secretary of the Commission.

42.-(1) There shall be an Executive Secretary.

(2) The Executive Secretary shall:

(a) have such qualification and experience as appropriate for a person required to perform the functions of that office; and

(b) be responsible to the council for the execution of the policies and the administration of the daily affairs of the Commission.

Resignation of the Executive Secretary.

43. The Executive Secretary may resign his office by writing under his hand to the President.

Staff of the Commission and their remuneration.

44. The Council shall appoint for the Commission such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the function of the Commission.

Appointment, secondment from Public Service.

45.-(1) The Council shall have power to appoint for the Commission either directly or by secondment from any public service in the federation, such number of employees as may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill.

(2) The person seconded under this section may elect to be transferred to the service of the commission, and any previous service he may have rendered in the public service shall count as service to the

Commission for the purpose of any pension subsequently payable by the Commission.

The Structure of the Commission.

46. There shall be established in the head office of the Commission, such department as may be deemed necessary for the effective and efficient functioning of the Commission.

Pension and Gratuity.

47. The staff of the Commission shall be entitled to pension, gratuity, and any other retirement benefit in accordance with the Pension Reform Act.

Funds of the Commission.

48.-(1) The Commission shall establish and maintain a fund herein referred to as a Fund into which money accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded.

(2) The funds of the Commission shall be disbursed according to the approved formula.

(3) The Council shall cause the account of the Commission to be audited quarterly and shall be externally audited once every year.

Power to accept gifts.

49.-(1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift, provided such terms and conditions are not inconsistent with any prevailing law.

(2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Bill.

Power to borrow.

50. The Commission may, from time to time borrow such sums as it may require to execute or complete some special projects of the Commission.

Annual estimate and expenditure.

51.-(1) Cause to be kept accounts and records of transaction and affairs of the Commission and ensure that all payments out of its moneys are currently made and properly authorised.

(2) Ensure that adequate control is maintained over the assets of, or in the custody of, the Commission and over its incurring of liabilities.

Audit.

52.-(1) The Auditor-General of the Federation shall:

(a) inspect and audit the account and records of financial transactions of the Commission;

(b) inspect records relating to assets of the Commission; and

(c) draw the attention of the Secretary to the Government of the Federation to any irregularities disclosed by the inspection and audit.

(2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection (1).

(3) The Auditor or an officer authorised by him is entitled at all reasonable time to a full and free access to all account records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition received, custody or disposal of assets by the Commission.

Annual report

53. The Commission shall submit to the Presidency through the Secretary to the Government of the Federation not later than 30th June, of each financial year and it shall include the copy of audited accounts of the commission of that year and a copy of Auditors report on it.

Power to acquire Land, Cap. 202 LFN.

54. The Commission may subject to the Land Use Act acquire any land for the purpose of discharging its functions.

PART XVII - MISCELLANEOUS PROVISIONS

Service of documents.

55. A notice, summons or other documents required or authorised to be served upon the Commission under the provisions of this Bill or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and address it to the Executive Secretary at the principal office of the Commission.

Payment of Judgement.

56. Any such money which may be the judgement of any court awarded against the Commission shall be paid from the general reserved fund of the Commission.

Indemnity of officers.

57. A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which is acquitted, if any such proceeding is brought against

him in his capacity as a member of the Council, the Executive, officer or the employee of the Commission:

Engagement of professional other than staff.

58. The Executive Secretary may with the approval of the Governing Council engage persons with relevant knowledge to the function of the Commission to assist otherwise than on the basis of full time employment.

Regulations.

59. The governing council may make regulations for the purpose of carrying out or giving full effect to the provisions of the Bill.

Waivers of proof of special damages.

60. -(1) To be entitled to the damages specifically provided in this Bill, it shall be sufficient for a plaintiff or claimant as the case may be, in a court proceeding, to prove the violation of the relevant section of this Bill without specific proof of damages.

(2) Nothing in this Bill shall prevent a court from accessing and awarding general and special damages in addition to the normal damages provided for in this Bill.

PART XVIII - INTERPRETATION

Interpretation.

61. In this Act:

"Accessibility aid" includes any fixture and device that aids accessibility;

"Accommodation" (in the context of housing) include residential or business accommodation;

"Assistive Device" means any device that assist, increases or improves the functional capabilities of person with disabilities;

"Closed Captioning" is a term describing several systems developed to display text on a television or video screen to provide additional or interpretive information to viewers who wish to access it;

"Commission Agent" means the person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part by the Commission;

"Commission" means National Commission for people with Disability;

"Disable" means having a disability;

"Disability" includes long term physical, mental, intellectual or sensory

impairment which in interaction with various barriers may hinder full and effective participation in society on equal basis with others;

"Discrimination" means differential treatment and its verbs and infinite form (discriminate, to discriminate) have the corresponding signification;

"Document" includes any book register or other record of information, however compiled, record or stored;

"Educational Authority" means a body of person(s) administering an education institution;

"Educational Institution" means a school college, University or other institution at which education or training is provided;

"Employee" includes applicant or prospective employee, Commission agent, contract worker, independent contractor, or person applying to the commission agent, contract worker or independent contractor;

"Employer" includes prospective employer, principal engages or proposes to engage a commission agent, independent contractor; and a person who contract worker or independent contractor;

"Employer of Labour" means "Employer" as interpreted by the workmen's Compensation Act;

"Function" includes duty;

"Government employee" means a person who is appointed, employed or engaged in the public service of, or by a public authority of the Federation, a State, the Federal Capital Territory or a Local government, or holds an administrative office;

"Person" includes natural, artificial, juristic or judicial persons, companies, enterprises firms, organisations, association, government departments, ministries, parastatals;

"Person with Disabilities" means:

(a) a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit

the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards;

(b) a person with long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others;

"President" means President and Commander in Chief of the Armed Forces of the federal Republic of Nigeria;

"Premises" include a structure, building, aircraft, vehicle, train or vessel; a place (whether enclosed or built on or not); and a part of any premises;

"Principal" means:

(a) in relation to Commission agent - a person for whom the Commission agent does work as a Commission agent;

(b) in relation to contract worker - a person for whom the contract worker does work under a contract between the employer of the contract worker and the person;

"Public Building" means a building owned or used by government or government agency or a building available for the use of members of the public;

"Relative" in relation to a person, means a person who is related to the first mentioned person by blood, marriage affinity or adoption;

"Subtitles Caption" means caption displayed at the bottom of a movie or television screen that translate or transcribe the dialogue or narrative;

"Special Communication" means special means (including sign language augmentative and alternative communication) of communicating with person with speech or hearing disability;

"Special Facilities" means any provision whether movable or immovable that

will enhance easy access and enjoyment in public buildings by persons with disability; significantly decreased endurance so that he cannot perform his everyday' routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards;

"State" means each of the State of the Federation, and includes the Federal Capital Territory;

"Student" in relation to an education institution, includes a candidate or applicant for admission into that education institution;

"Undue hardship" means significant difficulty or expense, .when considered in light of such factor as:

(a) the nature and cost of the accommodation needed to take care of a disabled person's special needs;

(b) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility;

(c) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the facility;

(d) the overall finances of the person or organisation having to deal with person with disability, with the overall size of his or its business with respect to the number of its employees; the number, type, and location of its facilities; and

(e) the type of operation or operations of such person or organisation, including the composition, structure and function of his or its workforce; the geographic, separateness, administrative, or fiscal relationship of the facility or facilities in question to such person or organisation.

62. This Bill may be cited as Discrimination Against Persons with Disabilities (prohibition) Bill, 2011. Citation.

SCHEDULES

Section 18 (2)

SPECIAL FACILITIES

1. Wheel Chairs: Clear floors or ground space on wheel chairs.

Wheel chair passage and turning space

2. Crutches, guide canes, etc.

3. Hearing Aid

4. Curb ramps

5. Ramps

6. Handrails, grab bars

7. Stain-shopping stairs

8. Elevators/Lifts

9. Windows

10. Entrance Doors

11. Drinking fountains and water cookers

12. Toilet facilities

13. Door protective and Re-opening Devices maneuvering entrances at Doors

14. Parking spaces and passenger loading zones

15. Accessible routes including walk ways, halls, windows, aisles and spaces

16. Alarm:

- Audible Alarms

- Visual Alarms

- Auxiliary Alarms

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceeding of the Council

1. (1) Subject to this bill and section 27 of the interpretation Act, the Council may make standing orders regulating its proceeding or those of any of its Committees.

(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom

shall be ex-officio member, and the quorum of any committee of the Council shall be as determined by the Council.

2. (1) The Council 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 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice was given.

(2) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

3. (1) the council may appoint one or more Committees to carry out, on behalf of the Council such functions as the Council may determine.

(2) A Committee appointed under this paragraph shall consider such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Council shall be of no effect until its confirmed by the Council.

4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Council generally or specifically authorised by the Council to act for that purpose and the Executive Secretary .

(2) Any contract or instrument, which, if made or executed by any person not being a body corporate, would not be required to be under seal may be executed on behalf of the Commission by the Executive Secretary or any person generally authorised by the Council to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Commission 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 proceedings of the Councilor Committee shall not be adversely affected by:

(a) a vacancy in the membership of the Council or Committee; or

(b) a defect in the appointment of a member of the Councilor Committee;

(c) reason that a person not entitled to do so took part in the proceedings of the Councilor Committee.

FIRST SCHEDULE

Section 5

COMPLIANCE ORDER

Notice has been taken of the fact that your programme is not inclusive of Disabilities Issues.

In particular:

This contravenes section 5 of persons with disabilities Act, you are hereby ordered to immediately comply with the said law.

Take note that if after 3 months from receipt of this order, you still remain in default; your operational licence shall be withdrawn.

Signed

SECOND SCHEDULE

PART I - CERTIFICATE OF TEMPORARY DISABILITY

This is to certify that .. ..of ..... was examined by me on this day of ..... and found to be temporarily incapacitated.

Signed

PART I - CERTIFICATE OF PERMANENT DISABILITY

This is to certify that..... .....of..... was examined by me on this day of ..... and found to be permanently incapacitated.

Signed