

FEDERAL CAPITAL TERRITORY
(POLITICAL AND ADMINISTRATIVE STRUCTURE) BILL, 2017

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A BILL

FOR

AN ACT TO PROVIDE FOR THE POLITICAL AND ADMINISTRATIVE STRUCTURE OF THE FEDERAL CAPITAL TERRITORY AND FOR RELATED MATTERS

Sponsors:

Hon. Timothy Golu

Hon. Jonathan G. Gaz

Hon. Jisalo B. Zaphanial

Commencement

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

PART I - POLITICAL STRUCTURE

1.-(1) The Federal Capital Territory shall in accordance with Sections 299 and 303 of the 1999 Constitution (as amended), comprise of the Federal Capital Territory Administration and the Six (6) Area Councils of the Federal Capital Territory as defined by Section 297(1) of the 1999 Constitution (as amended) which structure shall consist of all the Federal Agencies that are obtainable in a State.

Political Structure for the Federal Capital Territory

(2) In giving effect to Section 299 of the 1999 Constitution of the Federal Republic of Nigeria, the FCT shall have as its State judiciary, the FCT High Court established by the 1999 Constitution of the Federal Republic (as amended), its Legislature as the FCT Committees of both Chambers of the National Assembly and its Executive Council, the FCT Executive Committee superintended by the Minister as appointed by the President.

2.-(1) There is hereby established for the Federal Capital Territory an Administrative structure to be known as "the Federal Capital Territory Administration" which shall include the following offices:

Establishment of the Federal Capital Territory Administration

- 1 (a) Office of the Minister, Federal Capital Territory (FCT);
- 2 (b) Office of the Administrative Secretary for the Federal Capital
- 3 Territory;
- 4 (c) Office of the Head of FCT Civil Service;
- 5 (d) Chairman FCT Internal Revenue Service;
- 6 (e) FCT Civil Service Commission;
- 7 (f) FCT Mandate Secretaries;
- 8 (h) FCT Advisory Council;
- 9 (i) FCT Council of Traditional Rulers;
- 10 (j) FCT Security Committee;
- 11 (k) Joint Economic Planning Board;
- 12 (l) Federal Capital Development Authority;
- 13 (m) All FCT Agencies and Parastatals.

14 (2) The Federal Capital Territory Administration shall be a body
15 corporate with a common seal, perpetual succession and powers to sue and be
16 sued.

Office of the
Minister of the
Federal Capital
Territory

17 3.-(1) There is hereby established for the Federal Capital Territory, the
18 office of a Minister whose appointment shall be in accordance with Sections
19 147 & 302 of the 1999 Constitution and Section 18 of the FCT Act, Cap F6,
20 Laws of the Federation, 2004.

21 (2) The Minister shall be the Chief Executive Officer of the Federal
22 Capital Territory and shall exercise in the FCT the delegated powers of the
23 President of the Federal Republic of Nigeria under the Constitution and other
24 extant statutes.

25 (3) The Minister of the Federal Capital Territory may appoint such
26 number of aides not exceeding five, and assign to them such designations and
27 their emoluments shall be in accordance with extant laws and Regulations.

Administrative
Secretary, FCT

28 4.-(1) There shall be for the Federal Capital Territory a Coordinating
29 Permanent Secretary, who shall be appointed by the President from the Federal
30 Civil Service.

- 1 (2) The functions of the Co-ordinating Permanent Secretary shall
2 in addition to such other functions, powers and responsibilities as may be
3 assigned to him by the Minister include;
- 4 (3) Coordinating the activities of Federal Capital Territory
5 Administration's Mandate Secretariats, Departments, Agencies, and the
6 Area Councils.
- 7 (4) Serve as Secretary to all Committees, Councils and other
8 executive bodies established for collective decision-making in the Territory
9 chaired by the Minister except as may be otherwise prescribed in this Act or
10 any other enactment.
- 11 (5) Co-ordinate political, economic and administrative issues
12 affecting the Territory as may be assigned by the Minister.
- 13 (6) Provide staff resources for Administrative Tribunals and
14 Commissions of Enquiry established in relation to the Territory and process
15 the reports thereof for formal release to the general public.
- 16 (7) Co-ordinate protocol, security and public safety matters for the
17 Territory.
- 18 (8) Superintend over matters of the exercise of the prerogative of
19 mercy by the Minister and petitions and appeals to the Minister.
- 20 (9) Liaison with Ministries, Departments and Agencies of the
21 various States and the Federal Government.
- 22 (10) Oversee conditions of service and accommodation (where
23 necessary) of Political Office holders in the Territory, as may be assigned to
24 him by the Minister.
- 25 (11) Management of all administrative units established in the
26 Office of the Minister, excluding the Secretariats, Departments and
27 Agencies.
- 28 (12) Any other functions exercisable by a Secretary to a State
29 Government.

Head of Civil
Service of the
Federal Capital
Territory

1 5.--(1) There shall be established for the FCT, the office of the Head of
2 Civil Service of the Federal Capital Territory, FCT.

3 (2) The Head of Civil Service of the Federal Capital Territory, FCT
4 shall be:

5 (a) The head of the Federal Capital Territory bureaucracy and the
6 custodian of the civil service ethics, ethos and conventions;

7 (b) Coordinate the FCTA human resource capital by providing
8 leadership, direction and guidance to the service;

9 (c) Liaise with the FCT Service Commission on the appointment,
10 promotion and discipline of staff;

11 (d) Coordinate staff training, welfare and career development;

12 (3) The Head of the FCT Civil Service shall be appointed by the
13 President on the recommendation of the Minister

14 (4) An appointment to the office of Head of the FCT Civil Service
15 shall not be made except from among the FCTA Permanent Secretaries.

16 (5) Any person appointed to serve as the Head of the FCT Service
17 shall hold his office until he reaches his mandatory retirement age in line with
18 extant laws.

Establishment
of Mandate
Secretariats

19 6. The Minister of the Federal Capital Territory shall create such
20 number of Mandate Secretariats for the purpose of exercising such functions as
21 may be expedient for the smooth administration of the Territory. Such Mandate
22 Secretariats shall include those set out in the First Schedule to this Act

Mandate
Secretaries

23 7.--(1) The Secretary of a Mandate Secretariat shall be appointed by
24 the Minister for FCT with the approval of the President.

25 (2) The Mandate Secretary shall be the political head of the Mandate
26 Secretariat.

27 (3) The status of a mandate Secretary shall be equivalent to that of a
28 Commissioner in a State and shall accordingly enjoy the conditions of service
29 applicable to a State Commissioner in the extant laws thereto.

30 (4) The Mandate Secretary of a Mandate Secretariat may be removed

1 from office by the Minister with the approval of the President if it appears to
2 the Minister that he is unable to discharge the functions of his office.

3 (5) There shall be established, the office of Permanent Secretary in
4 each Mandate Secretariat who shall be the accounting officer of the
5 Secretariat and appointed within the FCTA Civil Service.

6 (6) There shall be established in the Legal Services Secretariat the
7 Office of Solicitor-General, FCTA/Permanent Secretary who shall be the
8 accounting officer of the Secretariat and appointed from within the FCTA
9 Civil Services.

10 (7) There shall be established for the FCTA, the office of Surveyor-
11 General, FCTA who shall be appointed from within the FCTA Civil Service
12 and discharge in the FCT all the functions exercisable by the Surveyor-
13 General of a State.

14 8.-(1) There is hereby established for the Federal Capital Territory
15 a body known as "the Federal Capital Territory Executive Committee (FCT
16 EXCO)", which shall:

17 (a) Be the highest decision making body in the FCT;
18 (b) Formulate and oversee the implementation of policies for the
19 effective and efficient administration of the Federal Capital Territory;

20 (2) Membership of FCT Executive Committee shall comprise:

21 (a) The Minister, FCT who shall be the Chairman;

22 (b) The Co-ordinating Administrative Secretary, FCT;

23 (c) Head FCT Civil Service;

24 (d) The Executive Secretary, FCDA;

25 (e) All Mandate Secretaries;

26 (f) Chairman, FCT Internal Revenue Service;

27 (g) Heads of key Agencies and Departments as may be determined

28 by the Minister.

29 9.-(1) There shall be established for the Federal Capital Territory a
30 body to be known as "the Federal Capital Territory Advisory Committee"

Federal Capital
Territory Executive
Committee

FCT Advisory
Committee

1 which shall be an advisory body.

2 (2) FCT Advisory Council shall comprise:

3 (a) The Minister, FCT who shall be the Chairman;

4 (b) The Co-ordinating Permanent Secretary, FCT;

5 (c) The Head of FCT Civil Service;

6 (d) The Executive Secretary, FCDA;

7 (e) All Mandate Secretaries;

8 (f) All past FCT Ministers;

9 (g) All Area Councils Chairmen;

10 (h) Commissioner of Police, FCT Command;

11 (i) Chairman, FCT Council of Traditional Rulers.

12 (3) The Committee shall meet twice in a year or on such number of
13 times as the Minister may deem necessary.

FCT Civil Service
Commission

14 **10.**-(1) There shall be established a Civil Service Commission (in this
15 Act referred to as "the Commission") for the Federal Capital Territory.

16 (2) The Commission shall comprise of:

17 (a) a Chairman who shall be the Chief Executive of the Commission
18 and appointed by the President on the recommendation of the Minister for a
19 Five (5) year single tenure;

20 (b) Seven (7) other members representing the geopolitical zones of
21 the country and the Federal Capital Territory.

FCT Joint
Economic
Planning Board

22 **11.**-(1) There shall be established a Joint Economic Planning Board
23 (in this Act referred to as "the Board") for the Federal Capital Territory.

24 (2) The Joint Economic Planning Board shall comprise of:

25 (a) The Minister who shall be the Chairman;

26 (b) The Co-ordinating Permanent Secretary FCT;

27 (c) The Head of FCT Civil Service;

28 (d) The Executive Secretary FCT;

29 (e) The Mandate Secretary Finance and Economic Planning
30 Secretariat;

- 1 (f) The Mandate Secretary Area Councils Service Secretariat;
- 2 (g) All the Area Council Chairmen;
- 3 (h) All Treasurers of Area Councils;
- 4 (i) One person appointed by the Minister from the private Sector
- 5 (j) A Secretary with not less than 15 years cognate experience to be
- 6 appointed by the Minister.

7 (3) The Board may appoint such other supportive staff as it deems
8 necessary for the running of its affairs.

9 (4) The remuneration of the Secretary and the supportive staff shall
10 be determined by the Board.

11 (5) The expenses to be incurred by the Board shall be defrayed
12 from the common service account to be established by the Minister.

13 (6) The functions of the Board shall be:

14 (a) to formulate economic policies for the Federal Capital
15 Territory;

16 (b) to advise Area Councils on matters pertaining to their
17 individual economic development;

18 (c) undertake as the need arises joint projects in the Area Councils;

19 (d) To develop a common template amongst the Federal Capital
20 Territory Administration and the Area Councils as well as harmonize goals
21 and targets of the different tiers of government in the Federal Capital
22 Territory

23 PART II - REVENUE AND EXPENDITURE FCT ADMINISTRATION
24 REVENUE AND EXPENDITURE

25 12.-(1) The Federal Capital Territory Administration shall Revenue
26 establish and maintain a fund from which shall be defrayed all expenditure
27 incurred by FCTA.

28 (2) There shall be paid and credited to the Fund established by
29 Section 12(1) of this Act the following:

30 (a) All allocations from the Federation Account and such other

1 monies accruing to the Federal Capital Territory Administration;

2 (b) All sums of monies that may be granted or lent to FCTA from time
3 to time by the Government of the Federation or any other source;

4 (c) All such monies accruable to FCTA by way of gifts, testamentary
5 dispositions, endowment, grant-in-aid, loans and contributions from any legal
6 source;

7 (d) Such sums of monies which may accrue to FCTA from time to
8 time including disposed lease, hire or any other dealing with any property
9 vested in or acquired by the FCTA;

10 (e) Such sums of monies that may accrue from subscription, fees and
11 charges from services and facilities provided, operated and maintained by the
12 FCTA;

13 (f) Such monies derived from punitive impositions or penalties upon
14 default in the use or disposition of facilities or services provided by FCTA as
15 may be stipulated by FCTA or imposed by any legislation or a competent court
16 of law;

17 (g) All other assets which may from time to time accrue to the FCT
18 Administration.

19 (3) There shall be established for the FCTA the office of the
20 Accountant-General, FCTA who shall be the accounting officer for FCT and
21 discharge all the functions of a State Accountant-General.

Expenditure

22 **13.-(1)** The FCTA may from time to time apply the proceeds from the
23 Fund established in Section 12(1) of this Act as follows:

24 (a) The amount payable as cost of administration of the FCT;

25 (b) The payment of salaries, fees, allowances, compensation and
26 other remuneration to the employees of FCTA;

27 (c) The amount payable as pensions, gratuities and other retirement
28 benefits under this Act to employees of FCTA;

29 (d) Cost of acquisition and up keep of the offices and premises
30 belonging to the FCTA and other capital expenditure of the service including

1 cost of day-to-day operation of the FCTA;

2 (e) Investment, maintenance of utilities, staff promotion training,
3 research and similar services;

4 (f) Such incidental expenses connected to the aforementioned or
5 necessary and approved by the Minister.

6 14. The Minister shall cause to be prepared not later than three
7 months before the end of every year or such other time as he may direct, an
8 estimate of expenditure and income of the FCTA during the next succeeding
9 year which shall be submitted by him to the National Assembly through the
10 President of the Federal Republic of Nigeria.

Budget

11 15.-(1) The FCTA shall not later than six months after the end of
12 each year submit to the National Assembly through the President of the
13 Federal Republic of Nigeria a report of its activities during the immediate
14 preceding year and shall include in such report the audited accounts of the
15 Administration and the auditors' comments thereon.

Accounts and
Audit

16 (2) There shall be established for the FCT the office of the Auditor-
17 General, FCTA who shall discharge all the functions of a State Auditor-
18 General for the FCT as is obtainable in other States.

19 16.-(1) The FCT Administration may accept gifts of Land, money
20 or other property upon such terms and conditions if any as may be specified
21 by the person or organization making the gift

Power to accept
gifts

22 (2) The FCT Administration shall not accept any gift if the
23 conditions attached by the person or organization making the gift are in
24 contrast with the functions of the FCTA, Public Policy or any extant
25 provision of the law.

26 PART III - FCT AREA COUNCIL ADMINISTRATION

27 17.-(1) The system of Area Council administration shall be by a
28 democratically elected process in line with the 1999 Constitution (as
29 amended) and the Electoral Act 2010 (as amended).

30 (2) Any person holding any elective office in an Area Council as

1 specified in the second Schedule to this Act shall, from the date of coming into
2 force of this Act, be deemed to have been duly and validly elected.

3 (3) The functions of the Area Councils shall be limited to those set out
4 in Section 18 of this Act and the Fourth Schedule to the Constitution.

Functions of
the Area Council

5 **18.-(1)** The functions of an Area Council shall be;

6 (a) to participate in the formulation of economic plans and
7 development schemes for the FCT;

8 (b) Collection of rates and issuance of radio and television licenses in
9 consultation with the Minister;

10 (c) Establishment and maintenance of cemeteries, burial grounds and
11 homes for the destitute or infirm in consultation with the Minister;

12 (d) licensing of bicycles, trucks (other than mechanically- propelled
13 trucks), canoes, wheel barrows and carts;

14 (e) establishment, maintenance and regulation of slaughter houses,
15 slaughter slabs, markets, motor parks and public conveniences in consultation
16 with the Minister;

17 (f) naming of roads and streets and numbering of houses in areas to be
18 designated by the Minister;

19 (g) construction and maintenance of roads, street lights, drains, parks,
20 gardens, open spaces or such public facilities in areas as may be designated by
21 the Minister;

22 (h) provision and maintenance of public conveniences, sewage and
23 refuse disposal in consultation with the Minister;

24 (i) assessment of privately-owned houses or tenements in areas as
25 may be designated by the Minister the for the purpose of levying such rates as
26 may be prescribed by the National Assembly;

27 (j) in areas of to be designated by the Minister the control and
28 regulation of:

29 (i) Outdoor advertising and hoarding,

30 (ii) Movement and keeping of pets of all descriptions,

- 1 (iii) Shops and kiosks,
2 (iv) Restaurants, bakeries and other places for sale of food to the
3 public,
4 (v) Laundries,
5 (vi) Licensing, regulation and control of the sale of liquor;
6 (k) Registration of births, deaths and marriages; and
7 (l) Collaborate with the FCT administration in respect of the
8 following matters:
9 (i) the provision and maintenance of primary, adult and vocational
10 education,
11 (ii) the development of agriculture and natural resources, other
12 than exploitation of minerals,
13 (iii) the provision and maintenance of health services; and
14 (iv) such other functions as may be conferred on an Area Council
15 by the National Assembly.

16 PART IV - EXECUTIVE COUNCIL OF AREA COUNCIL

17 19. There shall be for each Area Council, a Chairman and Vice-
18 Chairman whose qualification, election, tenure, functions and removal are
19 as spelt out in the Electoral Act and Guidelines made by the Electoral body.

20 20. A person elected to the office of the Chairman shall not begin to
21 perform the functions of that office until and unless he has declared his
22 assets and liabilities as prescribed by the Code of Conduct for Public
23 Officers in the Fifth Schedule to the Constitution and has subsequently taken
24 and subscribed, before the Chief Judge of the Federal Capital Territory, the
25 Oath of Allegiance and Oath of Office as prescribed in the Third Schedule to
26 this Act.

27 21.-(1) The Chairman or Vice-Chairman shall cease to hold office
28 if:

29 (a) by resolution passed by two-thirds majority of all members of
30 the Legislative Council declaring that the Chairman or the Vice-Chairman is

1 incapable of discharging the functions of his office; and

2 (b) the declaration under paragraph (a) of this subsection shall be
3 verified after such medical examination as may be necessary by a medical
4 panel established under subsection (4) of this section in its report to the
5 Secretary of the FCT Area Council Services Secretariat.

6 (2) Where the medical panel certifies in the report that in its opinion,
7 the Chairman or Vice-Chairman is suffering from such infirmity of the body or
8 mind as to render him permanently incapable of discharging the functions of
9 his office, a notice of the medical report signed by the Secretary of the Area
10 Councils Service Secretariat shall be published in the FCT Gazette or as may be
11 directed by the Minister.

12 (3) The Chairman or Vice-Chairman shall cease to hold office from
13 the date of publication of the notice of the medical report pursuant to subsection
14 (2) of this section.

15 (4) The medical panel referred to in this section shall be appointed by
16 the Secretary, Area Councils Service Secretariat and shall comprise three
17 medical practitioners in Nigeria, of whom:

18 (a) one shall be a medical practitioner of the choice of the Chairman or
19 Vice-Chairman as the case may be; and

20 (b) two other medical practitioners.

21 22.-(1) The Vice-Chairman shall hold the office of the Chairman of
22 the Area Council if the office of the Chairman becomes vacant by reason of
23 death, resignation or removal from office in accordance with Section 21 of this
24 Act.

25 (2) Where a vacancy occurs in the circumstances mentioned in
26 subsection (1) of this section or for any other reason during a period when the
27 office of the Vice-Chairman is also vacant, the Leader of the Legislative
28 Council shall hold office of Chairman for a period of not more than three
29 months during which there shall be an election of a new Chairman.

30 (3) Where the office of the Vice-chairman becomes vacant:

1 (a) by reason of death or resignation or removal in accordance with
2 section 21 of this Act,

3 (b) by his assumption of the office as Chairman in accordance with
4 subsection (1) of this section, or

5 (c) for any other reason, the Chairman shall nominate a qualified
6 party member for approval by two-thirds majority of the members of the
7 Legislative Council.

8 (4) Subject to the provision of subsection (1) of this section, the
9 Chairman shall vacate his office at the expiration of a period of 3 years
10 commencing from the date when:

11 (a) in the case of a person first elected as Chairman under this Act,
12 he took the Oath of Allegiance and Oath of Office; or

13 (b) the person last elected to the office took the oath of allegiance
14 and the oath of office or would but for his death have taken these oaths.

15 23.-(1) if a person duly elected as Chairman dies or otherwise fails
16 to take the oath of allegiance and the oath of office, the person elected with
17 him as Vice-Chairman shall be sworn in as Chairman who shall then, with
18 the approval of the two-thirds majority of the members of the Legislative
19 Council appoint a new Vice-Chairman.

20 (2) Where the Vice-Chairman is appointed from among the
21 Councilors, the Electoral Body shall conduct a bye-election to fill the vacant
22 seat created in the ward from which the new Vice-Chairman has been
23 appointed.

24 24.-(1) There shall be not less than three and not more than five
25 offices of Supervisors for an Area Council.

26 (2) Any appointment to the office of a supervisor of an Area
27 Council shall be made by the Chairman and confirmed by the Legislative
28 Council.

29 (3) The composition of the Supervisors and the conduct of affairs
30 of the Area Council shall be carried out in such a manner to recognize the

1 diversity of the people within the Area Council and the need to promote
2 national unity such that there shall be no predominance of persons from a
3 particular ethnic or sectional group.

4 (4) Any elected Councilors who is appointed as a supervisor of an
5 Area council shall be deemed to have resigned his seat as a Councilor on taking
6 the Oath of Office of a Supervisor as prescribed in the Third Schedule to this
7 Act.

8 (5) No person shall be appointed a Supervisor of an Area Council
9 unless he is qualified to be a Councilor of that Area Council.

10 25.-(1) There shall be a Secretary to the Area Council who shall be
11 appointed by the Chairman of the Area Council.

12 (2) The Secretary shall be a person who is qualified for election as
13 Chairman of the Area Council and shall cease to hold office when the Chairman
14 ceases to hold office.

15 (3) The Secretary shall declare his assets and liabilities as prescribed
16 by the Code of Conduct for Public Officers in the Fifth Schedule to the
17 Constitution and shall take the Oath of Allegiance and Oath of Office as
18 prescribed in the Third Schedule to this Act.

19 26.-(1) The Chairman of an Area Council may appoint any person as a
20 Special Adviser to assist him in the performance of his functions.

21 (2) The number of such Special Advisers shall not be more than three.

22 (3) Any appointment made pursuant to the provisions of this section
23 shall be at the pleasure of the Chairman, and shall cease when the Chairman
24 ceases to hold office.

25 (4) A person appointed as a Special Adviser under this section shall
26 not begin to perform the functions of the office unless he has declared his assets
27 and liabilities as prescribed by the Code of Conduct for Public Officers in the
28 Fifth Schedule to the Constitution and has subsequently taken and subscribed
29 to the Oath of Allegiance and the Oath of Office prescribed in the Third
30 Schedule to this Act.

1 27.-(1) Subject to the provisions of this Act, the Chairman of the
2 Area Council shall be the Chief Executive of the Area Council.

3 (2) The executive powers vested in the Chairman under subsection
4 (1) of this section shall, subject to the provisions of this Act be exercised by
5 him either directly or through-

6 (a) the Vice-Chairman or Supervisors of the Area Council;

7 (b) officers in the service of the Area Council; or

8 (c) the constituted committees.

9 (3) The executive powers of the Area Council under this section
10 shall-

11 (a) include the execution of compliance with the provisions of this
12 Act, all bye-laws made by the Legislative Council and extend to all matters
13 with respect to which the Legislative Council has power to make bye-laws;

14 (b) not be exercised so as to impede or prejudice the exercise of the
15 executive powers conferred on the Minister, FCT or endanger any asset or
16 investment of the Federal Capital Territory Administration or the
17 Government of the Federation within the Area Council.

18 (4) Contravention of the provisions of (3) above shall amount to a
19 gross misconduct.

20 28. The proceedings of the Area Council Executive Committee
21 shall not be invalidated by any vacancy created among its members or by
22 any defect in the election, nomination or disqualification of any member.

23 29.-(1) The Council Secretary shall-

The Council
Secretary

24 (a) serve as the Secretary to the meetings of the Executive Council
25 of the Area Council and keep its records;

26 (b) liaise with the appropriate officers charged with the
27 responsibility of Area Councils in the Federal Capital Territory
28 Administration;

29 (c) Co-ordinate the various departments of the council with a view
30 to implementing the policies of the Area Council;

1 (d) perform such other duties as may be assigned to him from time to
2 time by the Chairman of the Area Council.

3 30. The Head of Administration shall be the Accounting Officer of the
4 Area Council and shall perform such other duties as may be assigned to him by
5 the Chairman and/or the Secretary to the Area Council.

6 PART V - LEGISLATIVE COUNCIL OF THE AREA COUNCIL

7 31. There shall be a Legislative Council for each of the Area Councils
8 of the Federal Capital Territory.

9 32. The Legislative Council of each Area Council shall be financially
10 independent and autonomous.

11 33. A Legislative Council shall consist of such number of seats as the
12 number of wards in that Area Council or as may be prescribed from time to time
13 by the Electoral Body.

14 34.-(1) There shall be a Leader of a Legislative Council who shall be
15 elected by the Councilors from among themselves.

16 (2) The Leader of the Legislative Council shall vacate his office:

17 (a) if he ceases to be a member of the Legislative Council otherwise
18 than by reason of dissolution of the Legislative Council;

19 (b) when the Legislative Council first sits after the dissolution of the
20 previous Legislative Council; or

21 (c) if he is removed from office by a resolution of the Legislative
22 Council by not less than two-thirds majority of the Councilors.

23 35. There shall be for each Area Council a Clerk of the Legislative
24 Council and such other staff as may be appointed by the Area Councils Service
25 Commission established under this Act.

26 36. Every person elected as a Councilor shall, before taking his seat
27 in that Legislative Council, declare his assets and liabilities in the manner
28 prescribed in the Constitution and subsequently take and subscribe before the
29 Leader of the Legislative Council, the Oath of Allegiance and Oath of office as
30 prescribed in the Third Schedule to this Act, but a member may, before taking

1 the oaths, take part in the election of the Leader.

2 37. Subject to the provisions of this Act, a Legislative Council shall
3 have power to regulate its own procedures, including the procedure for
4 sitting, summoning and recess of the Council.

5 38.-(1) The power of a Legislative Council to make Bye-Laws
6 shall be exercised through bills passed by the Legislative Council and,
7 except as otherwise provided by this section, assented to by the Chairman.

8 (2) Subject to subsection (5) of this section, a bill shall not become
9 a Bye-Law unless it has been duly passed and assented to in accordance with
10 the provisions of this section.

11 (3) Where a bill has been passed by the Legislative Council it shall
12 be presented to the Chairman for assent.

13 (4) Where a bill is presented to the Chairman for assent he shall
14 within thirty days signify that he assents or that he withholds assent.

15 (5) Where the Chairman withholds assent and the bill is again
16 passed by the Legislative Council by two-thirds majority, the bill shall
17 become a Bye-law and the assent of the Chairman shall not be required.

18 39.-(1) A Legislative Council may appoint a committee of its
19 member for any special or general purpose as in its opinion would be better
20 regulated and managed by means of such committee, and may by resolution,
21 or otherwise as it deems fit delegate any functions exercisable by it to any
22 such committee.

23 (2) The number of members of a committee appointed under this
24 section, their term of office and quorum shall be fixed by the Legislative
25 Council.

26 (3) Nothing in this section shall be construed as authorizing a
27 Legislative Council to delegate to a committee the power to decide whether
28 a bill shall be passed into Bye-Law or to determine any matter which it is
29 empowered to determine by resolution under the provisions of this Act, save
30 to make recommendations to the Legislative Council on any such matter.

1 40.-(1) A Legislative Council shall sit for a period of not less than one
2 hundred and eighty-one days in one year commencing from the date of the first
3 sitting of the Legislative Council.

4 (2) Subject to the provisions of this Act, the person elected as the
5 Chairman of an Area Council shall have power to issue a proclamation for the
6 holding of the first session of the Legislative Council of the Area Council
7 concerned after his being sworn in, or for its dissolution as provided in this Act.

8 41. The Chairman of an Area Council may attend a meeting of the
9 Legislative Council of an Area Council either to deliver an address on Area
10 Council affairs or to make such statements on the policy of government as he
11 may consider of importance to the Area Council.

12 42. Without prejudice to the provisions of the Electoral Act and other
13 Acts of the National Assembly, a member of an Area Council shall vacate his
14 seat in the Council:

15 (a) When he becomes a member of a legislative house or Council
16 other than the Council into which he was elected;

17 (b) on the date when his letter of resignation takes effect;

18 (c) if he occupies any other political office;

19 (d) being a person whose election was sponsored by a political party,
20 he resigns from the party or becomes a member of another political party before
21 the expiration of the period for which he was elected:

22 Provided that his membership of the latter political party is not as a
23 result of a division in the political party of which he was previously a member
24 or a merger of two or more political parties or factions by one of which he was
25 previously sponsored;

26 (e) The Leader of the Legislative Council shall give effect to the
27 provisions of subsection (1) of this section, so however, that the Secretary of
28 the Area Council shall first present evidence satisfactory to the Legislative
29 Council that any of the provisions of this subsection have become applicable in
30 respect of the Chairman.

1 43.-(1) Subject to the provisions of this Act, a Legislative Council
2 shall have power by resolution to direct or cause to be directed an inquiry or
3 investigation into:

4 (a) any matter or thing with respect to which it has power to make
5 Bye-Laws; and

6 (b) the conduct of affairs of any person, authority, department
7 charged, or intended to be charged, with the duty of or responsibility for:

8 (i) Administering bye-laws enacted by the Legislative Council;
9 and

10 (ii) disbursing moneys appropriated or to be appropriated by such
11 Legislative Council.

12 (2) The powers conferred on a Legislative Council under the
13 provisions of this section are exercisable only for the purposes of enabling
14 the Legislative Council to:

15 (a) make bye-laws with respect to any matter within its legislative
16 competence and to correct any defects in existing bye-laws; and

17 (b) to expose corruption, inefficiency or wastages in the
18 administration of laws within its legislative competence and in the
19 monitoring of disbursement or administration of funds appropriated by it.

20 44.-(1) For the purposes of any investigation under section 43 of
21 this Act, and subject to the provisions thereof, a Legislative Council or a
22 committee appointed in accordance with Section 39 of this Act shall have
23 power to:

24 (a) procure all such evidence, as it may think necessary or
25 desirable, and examine all persons as witnesses whose evidence may be
26 material or relevant to the subject matter;

27 (b) require such evidence to be given on oath;

28 (c) summon such person(s) to give evidence at any place or
29 produce any document or other thing in his possession or under control, and
30 examine him as a witness and require him to produce any document or other

1 thing in his possession or under his control, subject to the principles of Equity
2 and Natural Justice; and

3 (d) procure a court order to compel the attendance of such person(s)
4 who, after having been summoned to attend, fails, refuses or neglects to so do
5 without justification, and order him to pay all costs which may have been
6 expended in compelling his attendance.

7 (2) A Court Order issued under this section may be served or executed
8 by a Bailiff of the court or by any person authorized in that behalf by the Court.

9 PART VI - PUBLIC SERVICE OF THE AREA COUNCIL

10 45. There shall be for the Area Council a Public Service.

11 46.-(1) There is established for the Federal Capital Territory an Area
12 Council Civil Service Commission.

13 (2) The staff of the Area Council shall be appointed by the Area
14 Council Civil Service Commission established under this Act.

15 47.-(1) The Civil Service Commission shall comprise:

- 16 (a) an executive chairman, who shall be a retired senior public officer;
17 (b) Two Ex-Officio members drawn from the Civil Service of FCT;
18 (c) Six other members appointed by the Minister.

19 (2) The members shall:

20 (a) be appointed by the Minister from each of the six geo-political
21 zones of the Country; and

22 (b) in the opinion of the Minister, be persons of unquestionable
23 integrity.

24 (3) Any person appointed pursuant to subsection (2) of this section
25 shall hold office for a period of four years from date of his appointment:

26 Provided that where a person has been appointed from a Public
27 Service of the Federation he shall be entitled to return to the Public Service of
28 the Federation.

29 48.-(1) The Service Commission shall, without prejudice to the
30 powers vested in the Minister, the Federal Capital Territory Judicial Service

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1 Commission and the Federal Civil Service Commission, have power to-

2 (a) appoint persons to offices in the Area Council Service on Grade
3 Level 07 and above; and

4 (b) deploy, Promote, dismiss and exercise disciplinary control over
5 persons holding those offices.

6 (2) The Service Commission may delegate powers to the Area
7 Councils to employ, Promote, dismiss and exercise disciplinary control over
8 persons holding offices on Grade Level 01 - 06.

9 49.-(1) Subject to the provisions of subsection (2) of this section,
10 the right of a person in the service of an Area Council to receive pension or
11 gratuity shall be regulated by the Pensions Reform Act.

12 (2) A benefit to which a person is entitled to as referred to in
13 subsection (1) of this section shall not be withheld except to such extent as is
14 permissible under a law, including the Code of Conduct for Public Officers
15 in the Fifth Schedule to the 1999 Constitution (as amended).

16 50. A person in the public service of an Area Council shall observe
17 and conform to the Code of Conduct for Public Officer contained in the Fifth
18 Schedule to the Constitution.

19 PART VII - REVENUE AND EXPENDITURE

20 51.-(1) All revenues or other moneys raised or received by an Area
21 Council (not being revenues or other moneys payable under any Act or any
22 Bye-Law of an Area Council into any other public fund established for a
23 specific purpose) shall be paid into and form one consolidated revenue fund
24 of the Area Council.

Area Council
Revenue

25 (2) No money shall be withdrawn from the consolidated revenue
26 fund of the Area Council except for the purposes for which it is appropriated
27 or by a Bye-Law passed pursuant to Section 52 of this Act.

28 (3) No money shall be withdrawn from any public fund of the Area
29 Council other than the consolidated revenue fund of the Area Council,

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1 shall be appointed by the Minister, Federal Capital Territory for a term of 4
2 years, renewable once only.

3 **56.**-(1) A person holding the office of the Auditor-General for Area
4 Councils may be removed by the Minister, FCT before the expiration of his
5 tenure whenever it appears to him that the person is unable to discharge the
6 functions of his office (whether arising from infirmity of the mind or body or
7 any other cause) or for misconduct.

8 **57.**-(1) The accounts of the Area Council and all other offices of the
9 Area Council shall be audited annually in accordance with the provisions of
10 this section.

11 (2) The Auditor-General shall within six months from the end of the
12 Area Council shall be audited annually in accordance with the provisions of
13 this section.

14 (3) The Auditor-General shall within six months from the end of each
15 financial year, submit his report to the Minister.

16 (4) For the purposes of carrying out his duties under this section, the
17 Auditor-General or any person authorized by him in that behalf, shall have
18 access to all books, records, returns and other documents relating to those
19 accounts.

20 (5) The Auditor-General shall-

21 (a) at all reasonable times have access to and be entitled to inspect all
22 books, accounts and records of Area Councils; and

23 (b) advise Area Council in regards to any of their functions under this
24 Act.

25 **58.**-(1) An Area Council may from time to time borrow such sum it
26 may require for the performance of its functions under this Act.

27 (2) Such loans shall subject to the approval of the Legislative Council
28 and the Minister be secured upon the revenue and allocation of the Area
29 Council.

30 (3) An Area Council shall obtain loan advances from banks by

1 overdraft upon the credit of the Area Council, provided that the Legislative
2 Council approves it by resolution.

3 59.-(1) Subject to the provisions of this Act, the provisions of the
4 Public Officers Protection Act shall apply in relation to any suit against any
5 officer or employee of the FCT Administration, Area Councils or any board
6 or established body by the FCT Administration.

Limitation of
action against
the FCT
Administration,
Area Council, etc.

7 (2) Notwithstanding anything contained in any other enactment,
8 no suit shall lie against any staff, member or official of the FCT
9 Administration, Area Councils or any board or bodies established herein for
10 any act done in pursuance or execution of this Act or any other enactment or
11 law or of any public duty or authority or in respect of any alleged neglect or
12 default in the execution of this Act or such enactment or law, duty or
13 authority shall lie or be instituted in any court unless-

14 (a) It is commenced within three (3) months next after the act,
15 neglect or default complained of; or

16 (b) In the case of continuation of damage or injury within three (3)
17 months next after the ceasing thereof

18 (3) No suit shall be commenced against a member of the FCT
19 Administration, Board, Director, officer or employee of the FCT
20 Administration or Area Council before the expiration of a period of one (1)
21 month after written notice of intention to commence this shall have been
22 served upon the FCT Administration, Area Council, or Board by the
23 intending Plaintiff or his agent.

24 (4) The notice referred to in subsection (3) of this Section shall
25 clearly and explicitly state the cause of action, the particulars of claim, the
26 name and place of abode of the intending Plaintiff and the relief which he
27 claims.

28 60.-(1) In this Act:

Interpretation

29 "Aides" includes Special Advisers (SA), Senior Special Assistant (SSA),
30 Special Assistant (SA), and Personal Assistant (PA);

1 empowered to determine by resolution under the provisions of this Act but such
2 a committee may be authorized to make recommendations to the Legislative
3 Council on any such matter.

4 6. The Legislative Council shall stand dissolved at the expiration of a
5 period of four years commencing from the date when the Councilors take and
6 subscribe to their Oath of Office.

7 7. Subject to the provisions of this Act, the person elected as
8 Chairman of an Area council shall have power to issue a proclamation for the
9 holding of the first session of the Legislative Council of the Area Council
10 concerned immediately after his being sworn in or for its dissolution as
11 provided in this section.

12 THIRD SCHEDULE

13 Section 15, 39, 47(4), 48(3)

14 OATHS

15 OATH OF ALLEGIANCE

16 I,..... do solemnly
17 swears/affirms that I will be faithful and bear true allegiance to the Federal
18 Republic of Nigeria and that I will preserve and defend the law, including the
19 Constitution of the Federal Republic of Nigeria.
20 So, help me God.

21 OATH OF OFFICE OF THE CHAIRMAN

22 I,.....do solemnly swear/affirm that
23 I will be faithful and bear true allegiance to the Federal Republic of Nigeria;
24 that as the Chairman of
25 Area Council, I will discharge my duties to the best of my ability, faithfully and
26 in accordance with the provisions of the Constitution of the Federal Republic
27 of Nigeria and Federal Capital Territory Area Councils (Administrative and
28 Political Structures) Act, and always in the interest of the sovereignty, integrity,
29 solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I
30 will strive to preserve the Fundamental Objectives and Directive Principle of

1 State Policy contained in the Constitution of the Federal Republic of
2 Nigeria; that I will exercise the authority vested in me as Chairman so as not
3 to prejudice the authority lawfully vested in the President of the Federal
4 Republic of Nigeria so as not to endanger the continuance of Federal
5 Government in Nigeria; that I will not allow my personal interest to
6 influence my official conduct or my official decision; that I will to the best of
7 my ability, preserve, protect and defend the Constitution of the Federal
8 Republic of Nigeria; that I will abide by the Code of Conduct contained in
9 the Fifth Schedule of the Constitution of the Federal Republic of Nigeria,
10 1999; that in all circumstances, I will do right to all manner of people,
11 according to law without fear or favour, affection or ill-will; that I will not
12 directly or indirectly communicate or reveal to any person any matter which
13 shall be brought under my consideration or shall become known to me as
14 Chairman of Area Council, except as may be
15 required for the discharge of my duties as Chairman; and that I will devote
16 myself to the service and well being of the people of Nigeria.
17 So, help me God.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Political and Administrative Structure of the Federal Capital Territory.

