

A BILL

FOR

AN ACT TO AMEND THE FEDERAL CHARACTER COMMISSION ACT, CAP F7, LFN 2004 TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL CHARACTER TRIBUNAL FOR THE PROSECUTION OF VIOLATIONS OF THE FEDERAL CHARACTER ACT AND FOR RELATED MATTERS

Sponsored by Hon. Ochiglegor Idagbo

[] Commencement

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

1 1. The Federal Character Act, Cap. F7, Laws of the Federation of
2 Nigeria, 2004 (hereinafter referred to as "the Principal Act").

3 2. The Principal Act is amended by inserting a new Section 15A to
4 read as follows:

5 "Establishment of the Federal Character Commission Tribunal.

6 15A.-(1) There shall be established a tribunal to be known as
7 Federal Character Commission Tribunal which shall consist of a Chairman
8 and two other persons.

9 (2) The Chairman shall be a person who has held or is qualified to
10 hold office as a Judge of a superior court of record in Nigeria and shall
11 receive such remuneration as may be prescribed by law.

12 (3) The Chairman and members of the Federal Character Tribunal
13 shall be appointed by the President in accordance with the recommendation
14 of the National Judicial Council.

15 (4) The National Assembly may by law confer on the Federal
16 Character Tribunal such additional powers as may appear to it to be
17 necessary to enable it more effectively to discharge the functions conferred
18 on it in this Schedule.

Amendment of
the Federal
Character
Commission Act,
Cap. F7, LFN,
2004.

Insertion on new
Section 15A

Staff

1 16. (1) The tenure of office of the staff of the Federal Character
 2 Tribunal shall subject to the provisions of this Code, be the same as that
 3 provided for in respect of officers in the civil service of the Federation:

4 (2) The power to appoint the staff of the Federal Character Tribunal
 5 and to exercise disciplinary control over them shall vest in the members of the
 6 Federal Character Tribunal and shall be exercisable in accordance with the
 7 provisions of an Act of the National Assembly enacted in that behalf.

Tenure of Office
 of Chairman
 and members

8 17.(1) Subject to the provisions of this paragraph, a person holding
 9 the office of Chairman or member of the Federal Character Tribunal shall
 10 vacate his office when he attains the age of seventy years.

11 (2) A person who has held office as Chairman or member of the
 12 Federal Character Tribunal for a period of not less than ten years shall, if he
 13 retires at the age of seventy years, be entitled to pension for life at a rate
 14 equivalent to his last annual salary in addition to other retirement benefits to
 15 which he may be entitled.

16 (3) A person holding the office of Chairman or member of the Federal
 17 Character Tribunal shall not be removed from his office or appointment by the
 18 President except upon an address supported by two-thirds majority of each
 19 House of the National Assembly praying that he be so removed for inability to
 20 discharge the functions of the office in question (whether arising from infirmity
 21 of mind or body) or for misconduct or for contravention of this Code.

22 (4) A person holding the office of Chairman or member of the Federal
 23 Character Tribunal shall not be removed from office before retiring age save in
 24 accordance with the provisions of this Code.

Powers

25 18.(1) Where the Federal Character Tribunal finds a public officer
 26 guilty Powers of contravention of any of the provisions of this Code it shall
 27 impose upon that officer any of the punishments specified under sub-paragraph
 28 (2) of this paragraph and such other punishment as may be prescribed by the
 29 National Assembly.

30 (2) The punishment which the Federal Character Tribunal may

1 impose shall include any of the following-

2 (a) vacation of office or seat in any legislative house, as the case
3 may be;

4 (b) disqualification from membership of a legislative house and
5 from the holding of any public office for a period not exceeding ten years:
6 and

7 (c) seizure and forfeiture to the State of any property acquired in
8 abuse or corruption of office.

9 (3) The sanctions mentioned in sub-paragraph (2) hereof shall be
10 without prejudice to the penalties that may be imposed by any law where the
11 conduct is also a criminal offence.

12 (4) Where the Federal Character Tribunal gives a decision as to
13 whether or not a person is guilty of a contravention of any of the provisions
14 of this Code, an appeal shall lie as of right from such decision or from any
15 punishment imposed on such person to the Court of Appeal at the instance of
16 any party to the proceedings.

17 (5) Any right of appeal to the Court of Appeal from the decisions of
18 the Federal Character Tribunal conferred by subparagraph (4) hereof shall
19 be exercised in accordance with the provisions of an Act of the National
20 Assembly and rules of court for the time being in force regulating the
21 powers, practice and procedure of the Court of Appeal.

22 (6) Nothing in this paragraph shall prejudice the prosecution of a
23 public officer punished under this paragraph or preclude such officer from
24 being prosecuted or punished for an offence in a court of law.

25 (7) The provisions of this Constitution relating to prerogative of
26 mercy shall not apply to any punishment imposed in accordance with the
27 provisions of this paragraph.

28 3. This Bill may be cited as the Federal Character Commission Act
29 (Amendment) Bill, 2017. Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Character Commission Act to provide for the establishment of Federal Character Tribunal saddled with the responsibility of prosecuting violations of the Federal Character Commission Act and section 14 of the 1999 Constitution.