

FEDERAL CAPITAL TERRITORY CIVIL SERVICE COMMISSION

BILL, 2015

ARRANGEMENT OF SECTIONS

Sections

PART I - ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL

TERRITORY CIVIL SERVICE COMMISSION

- 1 Establishment
- 2 Composition and Membership of the Commission
- 3 Qualification and Cessation of Membership
- 4 Tenure Of Office
- 5 Quorum
- 6 Remuneration and Condition of Service of Members

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

- 7 Functions
- 1 Powers of the Commission
- 2 Power to Borrow
- 3 Power to Accept Gifts
- 4 Investments
- 5 Acquisition Of Land
- 6 Power to obtain Information

PART III - SECRETARY AND OTHER STAFF OF THE COMMISSION

- 8 Secretariat
- 9 Other Staff of the Commission
- 10 Pension

PART IV - FINANCIAL PROVISIONS

- 12 Fund of the Commission
- 13 Annual Estimates and Accounts
- 14 Annual Reports

15

16

PART V - ADMINISTRATION OF THE CIVIL SERVICE OF THE FEDERAL

CAPITAL TERRITORY

20 Civil Service Staff Code

21 Board of Examiners

PART VI - REGULATIONS AND SUPPLEMENTARY PROVISIONS

22 Regulations

23 Interpretations

24 Citation

FIRST SCHEDULE

PROCEEDINGS OF THE COMMISSION

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY CIVIL SERVICE COMMISSION, AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

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

PART I - ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL TERRITORY

CIVIL SERVICE COMMISSION

1 **1.-(1) There is hereby established the Federal Capital Territory** Establishment
2 **Civil Service Commission (in this Act referred to as "the Commission").**

3 **(2) The Commission shall be a body corporate with perpetual**
4 **succession and a common seal and may:**

5 **(a) sue and be sued in its corporate name; and**

6 **(b) hold, acquire and dispose of any property or interest in property,**
7 **moveable or immovable.**

8 **2.-(1) There shall be for the Commission, Commissioners who are** Composition and
9 **called Members of the Commission (in this Act referred to as Members) that** Membership of
10 **shall be responsible for the discharge of the functions of the Commission.** the Commission

11 **(2) The Members of the Commission shall consist of:**

12 **(a) a Chairman;**

13 **(b) not less than two and not more than four other persons.**

14 **(3) The Chairman shall be the Chief Executive and Accounting**
15 **Officer of the Commission and shall direct and supervise all administrative**
16 **and operational activities of the Commission.**

17 **(4) The Chairman and the other Members shall:**

18 **(a) be resident in the FCT;**

19 **(b) be persons of unquestionable integrity and of sound mind;**

- 1 (c) have wide knowledge in civil service administration matters;
- 2 (d) have at least 15 years post-tertiary institutional cognate experience
- 3 in civil service administration;
- 4 (e) be appointed by the President on the recommendation of the
- 5 Minister.

Qualification
and Cessation
of Membership
of the Commission

6 **3. - (1) notwithstanding the provisions of section 2 of the Act, a person**

7 **shall not be qualified or shall cease to hold office as a Member of the**

8 **Commission if—**

- 9 (a) is not a citizen of Nigeria;
- 10 (b) is an undischarged bankrupt;
- 11 (c) he has committed a felony or any offence involving dishonesty or
- 12 fraud;
- 13 (d) is of unsound mind;
- 14 (e) is for one reason or the other incapable of carrying out his duties;
- 15 (f) is guilty of gross misconduct in relation to his duties of office;
- 16 (g) he holds office in any political party or political organization;
- 17 (h) he has, within the preceding 10 years, been removed from office as
- 18 a member of any of the bodies established by section 153 of the constitution of
- 19 the Federal Republic of Nigeria (as amended);
- 20 (i) he resigns his appointment by a letter addressed to the Minister;
- 21 (j) in the case of a person possessed of professional qualifications, he
- 22 is disqualified or suspended from practicing his profession in any part of the
- 23 world by an order of a competent authority made in respect of that member.

24 **(2) Any person employed in the Civil Service of the Federation or of a**

25 **State shall not be disqualified for appointment as a Chairman or Member of the**

26 **Commission, provided that where such a person has been duly appointed to the**

27 **Commission, the person shall, upon accepting the appointment, be deemed to**

28 **have resigned or retired from his or her former office as from the date of the**

29 **appointment.**

1 4-(1) The Chairman and Members of the Commission shall hold Tenure of Office
 2 office for a term of 4 years in the first instance and may be re-appointed for
 3 another term of 4 years and no more.

4 (2) A Member of the Commission may be removed by the Minister,
 5 if all the Members of the Commission and the Chairman are satisfied that it
 6 is not in the interest of the Commission or in the interest of the public that the
 7 Member continues in office.

8 (3) The President upon the recommendation of the Minister shall
 9 remove any member of the Commission if the Member or the Chairman did
 10 not comply with section 3 of this Act or for any other reason that is not for the
 11 interest of the civil service of the federation.

12 (4) A member of the Commission may resign his appointment at
 13 any time by notice in writing under the member's hand addressed to the
 14 President through the Minister.

15 (5) If a Member of the Commission dies or resigns or otherwise
 16 vacates the office before the expiration of the term for which he is appointed,
 17 the President shall within thirty days and from among three persons
 18 nominated by the Minister appoint fit and proper person for the remainder of
 19 the term of office of the predecessor.

20 (6) Upon appointment of any Member or Chairman of the
 21 Commission, he or she shall take and sign an oath of office before the
 22 Minister.

23 **5. the quorum for a meeting of the Members of the Commission** Quorum
 24 shall not be less than three members including the chairman or the person
 25 presiding at the meeting pursuant to item two (2) of this schedule.

26 **6. the remuneration and condition of service of the Chairman and** Remuneration and
 27 **Members of the Commission shall be determined by the Minister.** Condition of
Service of Members

28 **PART II - FUNCTIONS AND POWERS OF THE COMMISSION**

29 **7.-(1) the commission shall, without prejudice to the powers of the** Functions
 30 **President, have the duty:**

- 1 (a) to appoint other staff and persons to offices in the civil service of
2 the FCT;
- 3 (b) to dismiss and exercise disciplinary control over persons holding
4 any office referred to in sub-section (a) of this section;
- 5 (c) advice the Minister on policies relating to the civil service of the
6 FCT on:
- 7 (i) The establishment or otherwise of any department or structure in
8 the civil service of the FCT;
- 9 (ii) The administrative functions of departments in the civil service of
10 the FCT;
- 11 (iii) The conditions of service of employees generally including the
12 ranks and grades of officers and employees;
- 13 (iv) The scales of salaries, emoluments, benefits, allowances of all the
14 various classes of officers and employees;
- 15 (v) The employment, appointment, promotions, transfers, discharge
16 and other career issues of civil service in the FCT;
- 17 (vi) Capacity building and human resource management of the civil
18 service in the FCT;
- 19 (vii) Strict adherence to the principles enshrined in the Constitution of
20 the Federal Republic of Nigeria;
- 21 (viii) Application of labour laws and relations in the civil service of
22 the FCT;
- 23 (ix) Ensuring the efficiency and effectiveness of various departments
24 within the civil service of the FCT;
- 25 (x) Ensuring that disciplinary measures are adhered to in the civil
26 service of the FCT;
- 27 (xi) Information management and information technology in the civil
28 service of the FCT;
- 29 (xii) Any other thing which in its opinion is to facilitate the
30 administrative performance of the civil service in the FCT.
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- 1 **8. -(1) The Commission should have power to:**
- 2 (a) give directives to officers and employees of the civil service of
- 3 the FCT;
- 4 (b) make recommendations and conduct enquiries in relation to its
- 5 functions and duties under this Act;
- 6 (c) issue a code of conduct that will be applicable to officers and
- 7 employees of the civil service of the FCT;
- 8 (d) provide advisory services to the officers and employees of the
- 9 civil service of the FCT;
- 10 (e) prescribe the guidelines and procedures for recruitment,
- 11 appointment, promotion and transfer within the civil service of the FCT;
- 12 (f) prepare and distribute to officers and employees of the civil
- 13 service of the FCT staff procedure manuals;
- 14 (g) publish and advertise any vacancy positions in the civil service
- 15 of the FCT;
- 16 (h) provide staff evaluation advisory services;
- 17 (i) provide mechanisms for staff training and development
- 18 programmes;
- 19 (j) hear appeals on matters of appointment, promotion, transfer,
- 20 discipline and any other issue that may arise;
- 21 (k) do anything which in its opinion is calculated to facilitate the
- 22 performance and administrative functions under this Act;
- 23 (l) act independently without the directives or control of any other
- 24 authority or person(s) in exercising its powers to make appointments, to
- 25 exercise disciplinary actions or other actions the commission shall
- 26 undertake in exercising its powers under this Act;
- 27 (m) delegate or authorize any member of the Commission or any
- 28 officer or employee in the civil service of the FCT to perform any of its
- 29 powers and functions under this Act;
- 30 (n) engage consultants and advisers as it may require for the

Powers of the
Commission

1 effective discharge of its functions.

Power to borrow

2 9.-(1) the Commission may, from time to time, borrow by overdraft
3 or otherwise such sum as it may require for the performance of its functions
4 under this Act.

5 (2) the Commission shall not, without the approval of the Minister,
6 borrow money which exceeds, at any time the amount set by the Minister.

7 (3) notwithstanding the provisions of sub-section (1) of this
8 section, where the sum to be borrowed is in foreign currency, the
9 Commission shall not borrow the sum without the prior approval of the
10 Minister.

Power to accept
gifts

11 10.-(1) The Commission may accept any gift of land, money or
12 other property in accordance with the law on such terms and conditions, if
13 any, as may be specified by the person or organization making the gift.

14 (2) The Commission shall not accept any gift if the conditions
15 attached by the person or organization offering the gift are inconsistent with
16 the functions of the Commission.

Investment

17 11. The Commission may, subject to the provisions of this Act and
18 the conditions of any trust created in respect of any property, invest all or
19 any of its fund in any security prescribed by the Trustee Investment Act or in
20 such other securities as may from time to time, be approved by the Minister.

Acquisition of
Land

21 12. the Commission may subject to the provisions of the Land Use
22 Act, acquire, hold, grant, charge or otherwise deal with any interest in land or
23 other property, for the purpose of providing offices and premises necessary
24 for the performance of its functions under this Act.

Power to obtain
information

25 13.-(1) For the purpose of carrying out the functions conferred on
26 the Commission under this Act, the Commission or any Member or any
27 authorized officer or employee of the Commission-

28 (a) shall have right of access to all the records and relevant
29 information of any staff of any agency, department and secretariat and all
30 other administrative units of the FCT to which this Act applies;

1 (b) may by notice in writing served on any person require that
2 person to furnish or cause to be furnished information on such matters as
3 may be specified in the notice necessary for the discharge of the functions of
4 the Commission.

5 (2) It shall be the duty of any person required to furnish information
6 pursuant to sub-section (1) of this section to comply with the notice within a
7 reasonable period of time.

8 PART III - SECRETARY AND OTHER STAFF OF THE COMMISSION

9 14.-(1) There shall be a Secretary for the Commission who shall be Secretariat
10 appointed by the Minister on the recommendation of the Commission.

11 (2) The Secretary shall-

12 (a) be a senior officer of the Commission not below the rank of a
13 Deputy Director in the civil service of the FCT;

14 (b) hold office for a term of 5 years in the first instance and may be
15 re-appointed for another term of 5 years and no more;

16 (c) be on such terms and conditions as to remuneration and other
17 conditions of services as approved by the Minister;

18 (d) be responsible for the execution of the policy and the day to day
19 administration of the Commission;

20 (e) keep the books and proper records of proceedings of the
21 Commission;

22 (f) conduct the correspondence of the Commission;

23 (g) perform such other functions and duties as the Commission or
24 the Chairman may, from time to time, direct.

25 15. -(1) The Commission shall have power to:

Other staff of the
Commission

26 (a) appoint such number of staff and other employees as it may,
27 from time to time, deem necessary to assist the Commission in the discharge
28 of any of its functions under this Act;

29 (b) pay persons so employed such remuneration and allowances as
30 may be payable to other officers or employees of similar grade in the civil

1 service of the FCT.

2 (2) The terms and conditions of employment applicable to officers
3 and employees of the civil service of the FCT shall apply to the employees and
4 staff appointed by the Commission under sub-section (1) of this
5 section.

6 (3) The Commission may generally or specifically delegate to the
7 chairman, the power to appoint such categories of staff of the civil service of
8 the FCT as the Commission may from time to time specify.

Pension

9 16.-(1) service in the Commission shall be approved service under the
10 provision of the Pension Reform Act and accordingly, staff and employees of
11 the commission shall be entitled to pensions, gratuities and other retirement
12 benefits as prescribed under the Pension Reform Act and are engaged by
13 persons holding equivalent offices in the civil service of the federation.

14 (2) Without prejudice to the provisions of sub-section (1) of this
15 section, nothing in this Act shall prevent the appointment of any person to any
16 office on terms which preclude the grant of pension, gratuity or other
17 retirement benefits with respect to that office.

18 PART IV - FINANCIAL PROVISIONS

Fund of the
Commission

19 17.-(1) The FCT Administration shall establish a fund for the FCT
20 Civil Service Commission and provision for the fund shall be made in the
21 annual budget of the FCT Administration.

22 (2) There shall be paid and credited to the fund, established pursuant
23 to sub-section (1) of this section:

24 (a) such monies as may be provided by the FCT Administration by
25 way of annual subvention or otherwise;

26 (b) such monies granted or deposited with the Commission by the
27 FCT Administration or anybody or institution within the country;

28 (c) such sums or other advances by way of loans;

29 (d) all monies raised for the purposes of the Commission by way of
30 gifts, grants-in-aid, testamentary dispositions or otherwise;

1 (e) such subvention or budgetary allocation from the Federal
2 Government;

3 (f) money earned or arising from any investment or other property
4 acquired or vested in the Commission;

5 (g) such monies as may from time to time accrue to the
6 Commission;

7 (h) all sums, investments or other property vested in the
8 Commission by virtue of this Act.

9 (3) The Commission shall defray from the fund all expenditures
10 incurred by it, including but not limited to:

11 (a) the cost of administration of the Commission;

12 (b) The remuneration and allowance of the members of the
13 Commission and any Committee set up by the Commission of such
14 expenses as may be expressly authorized by the Commission in accordance
15 with the rates approved by the Minister;

16 (c) the payment of salaries, remuneration, fees, allowances,
17 pensions and gratuities of the staff and employees of the Commission;

18 (d) the remuneration payable to agents and consultants of the
19 Commission;

20 (e) for the maintenance of any property vested in the Commission;

21 (f) such other sums as the Commission may approve in connection
22 with any of its functions under this Act.

23 18. -(1) The Commission shall not later than 30th day of September
24 in each year, submit to the Minister, an estimate of the income and
25 expenditure of the Commission (including estimates of expected payments
26 into the fund of the Commission) during the next succeeding year.

Annual Estimates
and Accounts

27 (2) The Commission shall keep proper records of accounts of each
28 year in a form which conforms to accepted accounting standards, and proper
29 records in relation thereto.

30 (3) The accounts of the Commission shall be audited at the end of

1 each calendar year by auditors appointed by the FCT Administration from a list
2 and in accordance with the guidelines supplied by the Auditor-General of the
3 Federation.

Annual Reports

4 19. The Commission shall, not later than six months after the end of
5 each year, submit to the Minister, a report on the activities of the Commission
6 and its administration during the immediately preceding year and shall include
7 in the report the audited accounts of the Commission and the auditor's report on
8 the accounts.

9 PART V - ADMINISTRATION OF THE CIVIL SERVICE OF THE FEDERAL
10 CAPITAL TERRITORY

Civil Service
Code

11 20.-(1) the Commission shall issue a Code of Conduct for the FCT
12 civil service Commission, which may otherwise be termed the FCT Civil
13 Service Staff Code. The Commission may from time to time amend same to
14 reflect and supplement the provisions of the Act.

15 (2) The FCT Civil Service Staff Code shall consist of principles for
16 the directive guidance, regulation and governance of the FCT civil service
17 officers and employees.

18 (3) The provisions of the civil service staff code shall be binding upon
19 any department, officer or employee of the civil service of the FCT in so far as
20 they apply to that unit, department, officer or employee.

21 (4) The issues contained in the Civil Service Staff Code shall not be
22 inconsistent with the provisions of this Act or any regulations made thereunder.

Board of
Examiners

23 21.-(1) The commission shall set up such board of examiners as may
24 from time to time be required to test candidates for appointment or promotion
25 within the civil service of the FCT.

26 (2) The Chairman of the Commission when sitting upon a board of
27 examiners shall be the chairman of the board, and in other cases he shall send a
28 representative to be present at the interview, but the representative will not be
29 the chairman during such representation.

30 (3) The Board of Examiners shall stipulate its *modus operandi* during

1 interviews which may include:

2 (a) ensuring that appointments and promotions within the civil
3 service of the FCT shall be based on principles of merit;

4 (b) establishing such standards for selection and assessment of
5 such officers and staff;

6 (c) conducting competitive written examination(s) or such other
7 competitive processes for selection, as the Commission may consider to be
8 appropriate for the best interest of the civil service of the FCT;

9 (d) taking into cognizance the education, knowledge, experience,
10 language, residence and any other issue which in the opinion of the
11 commission, are necessary or desirable having regard to the nature of the
12 duties to be performed by the applicant(s).

13 (4) The Chief Executive Officer of any department or agency of the
14 FCT Administration in respect of which candidates for appointment or
15 promotion are examined by a board of examiners, may upon the
16 Commission's request, be present or designate a representative to be present
17 at such interview of any candidate.

18 (5) The Commission shall not discriminate against any person by
19 reason of national or ethnic origin, religion, age, sex, marital status, family
20 status, disability and under any circumstances whatsoever.

21 PART VI - REGULATIONS AND SUPPLEMENTARY PROVISIONS

22 22. The Minister may with the approval of the President, make Regulations
23 regulations for the effective operation of this Act and the due administration
24 thereof.

25 23. In this Act, unless the context otherwise requires: Interpretations

26 (a) "Commission" means the FCT Civil Service Commission
27 established by section 1 of this Act;

28 (b) "FCT" means the Federal Capital Territory, Abuja;

29 (c) "Member" means Commissioners of the Commission and
30 includes the chairman.

1 (d) "Minister" means the Minister for the time being charged with
2 responsibility for the FCT under the Federal Capital Territory Act;

3 (e) "President" means the President of the Federal Republic of
4 Nigeria;

5 (f) "Civil Service of the FCT" shall consist of persons who hold fixed
6 or permanent appointments in the civil service of the FCT and who receives
7 funds wholly or part appropriated by the FCT Administration.

Citation

8 24. This Act may be cited as the Federal Capital Territory Civil
9 Service Commission Bill, 2015.

10 FIRST SCHEDULE

11 PROCEEDINGS OF THE COMMISSION

12 (1) Subject to this Act and section 27 of the Interpretation Act (which
13 provides for decisions of a statutory body to be taken by a majority of its
14 members and for the chairman to have a second or casting vote), the
15 Commission may make standing orders regulating the proceedings of the
16 Commission and an Committee thereof.

17 (2) If at any time, the office of the chairman is vacant or the chairman
18 is in the opinion of the Commission permanent or temporarily unable to
19 perform the function of the office, the Commission may appoint one of its
20 Members to perform such functions from the period of the vacancy in the office
21 of the chairman and references in this schedule to the chairman shall be
22 construed according.

23 (3) Every meeting of the Commission shall be presided over by the
24 chairman and if the chairman is unable to attend a particular meeting, the
25 Members present at the meeting shall elect one of their Members to preside at
26 the meeting.

27 (4) Where upon any specific issue or occasion, the Commission
28 desires to obtain the advice of any person on any person on any particular
29 matter, the Commission may co-opt that person to be Member for as many
30 meetings as may be necessary, and that person while so co-opted shall have all

1 the rights and privileges of a Member, except that the person shall not be
2 entitled to vote or count towards a quorum.

3 *Committees*

4 (5) Subject to its standing orders, the Commission may appoint such
5 number of Standing ad-hoc Committees as it thinks fit to consider and report
6 on any matter with which the Commission is concerned.

7 (6) Every Committee appointed under the provisions of sub-
8 section (1) of this paragraph, shall be presided over by a Member of the
9 Commission and shall be made up of a number of persons, not necessarily
10 Members of the Commission, as the Commission may determine in each
11 case.

12 (7) The decision of the Committee shall have no effect until it is
13 confirmed by the Commission.

14 *Miscellaneous*

15 (8) The fixing of the seal of the Commission shall be authenticated
16 by the signature of the Chairman and the Secretary of the Commission or
17 such other Member authorized generally or specifically by the Commission
18 to act for that person.

19 (9) Any contract or instrument, which if made by a person not being
20 a body corporate, would not be required to be made under seal, may be made
21 or executed on behalf of the Commission by the Secretary or by any other
22 person generally or specifically authorized by the Commission to act for that
23 purpose.

24 (10) Any document purporting to be a contract, instrument or other
25 document signed or sealed on behalf of the Commission shall be received in
26 evidence and, unless the contrary is proved, be presumed, without further
27 proof to have been so signed or sealed.

28 (11) The validity of any proceedings of the Commission or a
29 Committee thereof, shall not be adversely affected by:

30 (a) Any vacancy in the Membership of the Commission;

1 (b) Any defect in the appointment of a Member of the Commission or
2 Committee;

3 (c) Reason that a person not entitled to do so, took part in the
4 proceedings.

5 (12) Any member of the Commission or a Committee thereof, who
6 has a personal interest in any contract or agreement entered into or proposed to
7 be considered by the Commission or Committee, shall forthwith disclose such
8 interest to the Commission or Committee and shall not vote on any question
9 relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to have a legal framework that will regulate the employment and working conditions of civil servants within the FCT with a view to professionalizing the FCT civil service.