

FEDERAL CHARACTER COMMISSION (AMENDMENT) BILL, 2015

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of Cap. F7 LFN, 2004
2. Amendment of section 2
3. Amendment of section 3
4. Amendment of section 4
5. Amendment of section 5
6. Insertion of new section 5A
7. Amendment of section 7
8. Amendment of section 9
9. Insertion of new section 11A
10. Substitution for section 13
11. Amendment of section 15
12. Insertion of new section 16A
13. Amendment of section 19
14. Citation

A BILL

FOR

AN ACT TO AMEND THE FEDERAL CHARACTER COMMISSION (ESTABLISHMENT ETC) ACT CAP. F7 LAWS OF THE FEDERATION OF NIGERIA, 2004 BY GIVING THE COMMISSION ADDITIONAL POWERS TO ENABLE IT DISCHARGE ITS FUNCTIONS MORE EFFECTIVELY; AND FOR RELATED MATTERS

Sponsored by Hon. Ahmed Idris

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

- 1 1. The Federal Character Commission (Establishment etc) Act Amendment of
- 2 Cap. F7 Laws of the Federation of Nigeria (in the Bill referred to as the CAP. F7 LFN,
- 3 "Principal Act") is amended as set out under this Bill. 2004
- 4 2. Section 2 of the Principal Act is amended in subsection (1)(a), Amendment of
- 5 by inserting the words " and accounting officer" immediately after the word Section 2
- 6 " executive".
- 7 3. Section 3 of the Principal Act is amended in subsection (2), by Amendment of
- 8 substituting for the word "may" in line 1 the word "shall." Section 3
- 9 4. Section 4 of the Principal Act is amended- Amendment of
- 10 (a) in subsection (1)(a), by substituting for the word "President" in Section 4
- 11 line 1 the words "National Assembly or the State House of Assembly, as the
- 12 case may be";
- 13 (b) in subsection (2), by inserting immediately after the existing
- 14 paragraph (j) a new paragraph "(k)" -
- 15 "(k) to enforce the federal character guidelines and formulae in
- 16 any company in which the Federal, State or Local Governments has at least
- 17 40 %shareholding interest."
- 18 (c) by inserting immediately after the existing subsection (4) new

1 subsections "(5)" - "(7)" -

2 "(5) The approval required to be made by the National or State House
3 of Assembly, as the case may be, under this section and elsewhere in this Bill
4 shall be by a simple majority vote of the members of the Senate and House of
5 Representatives or State House of Assembly present and voting in their
6 respective chambers.

7 (6) In exercising its powers under section 4(1) (a) of this Act, the
8 Commission shall have regard for the need to ensure gender equity and the
9 need for fair representation of the physically challenged person.

10 (7) For the purposes of section 4(1) (d) (i) of this Act, the annual
11 budgetary proposals by any Ministry, Extra-Ministerial Department or agency
12 for the provision of socio-economic services, amenities and infrastructural
13 facilities shall be made in consultation with the Commission".

Amendment of
Section 5

14 5. Section 5 of the Principal Act is amended-

15 (a) in subsection (1), by inserting immediately after the existing
16 paragraph (c) a new paragraph "(cc)" -

17 “(cc) suspend, cancel or set aside any recruitment exercise, process or
18 distribution of amenities being carried out by any Ministry, Extra-Ministerial
19 Department, agency or any company in which the government has 40%
20 shareholding interest where such recruitment was conducted in a manner
21 inconsistent or in contravention with any guideline or formula worked out by
22 the Commission and approved by the National or State House of Assembly, as
23 the case may be;”

24 (b) by inserting immediately after the existing subsection (2) a new
25 subsection "(3)" -

26 “(3) The power to institute investigations conferred by subsection (1)
27 of this section shall include the power to summon and to interrogate any
28 officer of the institution or organization connected with the subject
29 matter of the investigation.”

1	6.-(1) Insert immediately after the existing section 5 a new section	Insertion of new Section 5A
2	"5A"-	
3	5A (1) In order to facilitate the proper discharge of its functions	Administrative structure of the Commission
4	under sections 4 and 5 of this Act, the Commission shall have the follow	
5	Departments-	
6	(a) Investigation and Prosecution;	
7	(b) Monitoring, Research and Analysis;	
8	(c) Education and Public Enlightenment;	
9	(d) Personnel / Administration;	
10	(e) Finance and supplies;	
11	(2) Each Department of the Commission shall be headed by a	
12	Director.	
13	(3) The Commission may, with the approval of the President,	
14	increase the number of Departments as it may deem necessary and expedient	
15	to facilitate the realization of the objectives of the Commission."	
16	7. Section 7 of the Principal Act is amended in subsection (3) by	Amendment of Section 7
17	substituting for the word "may" in line 2 the words "shall within 30 days".	
18	8. Section 9 of the Principal Act is amended by inserting	Amendment of Section 9
19	immediately after the existing paragraph (b) new paragraphs "(c)" and	
20	"(d)"-	
21	"(c) not below the rank of a Director in the Federal Civil Service;	
22	and	
23	(d) have a tenure of 5 years in the first instance and renewable at	
24	the pleasure of the President."	
25	9. Insert immediately after the existing section 11 a new section	Insertion of new Section 11A
26	"11A"-	
27	11A (1) The commission may, subject to the approval of the	Borrowing
28	President and in accordance with the general guidelines given by the	
29	Government of the Federation, borrow by way of loan or overdraft from any	
30	source within the country any sum required by the Commission for	

1 meeting its obligations and discharging its functions under this Act.

2 (2) The Commission may, subject to the provisions of this Act and any
3 condition or term attached to the funds or property acquired, invest any but not
4 all the funds for efficient discharge of its functions."

Substitution for
section 13

5 **10.** Substitute for the existing section 13 a new section "13"-

Annual report

6 **13.** The Commission shall prepare and submit to the President and
7 National Assembly, not later than the end of June of each financial year, a report
8 on the activities of the Commission during the immediately preceding financial
9 year, and shall include in such report a copy of the audited accounts of the
10 Commission for that year and the auditor's report therein."

Amendment of
Section 15

11 **11.** Section 15 of the Principal Act amended-

12 (a) in subsection (1), by substituting for the figure "50,000" in line 2
13 the figure "250,000";

14 (b) in subsection (2), by substituting for the figure-

15 (i) "100,000" in line 4 the figure "2,500,000", and

16 (ii) "50,000 in line 5 the figure "100,000";

17 (c) in subsection (3), by substituting for the figure-

18 (i) "10,000" in the line 2 the figure "30,000", and

19 (ii) "100,000" in line 3 the figure "2,500,000".

Insertion of new
section 16A

20 **12.** Insert immediately after the existing section 16 a new section
21 "16A"-

Enforcement

22 **16A.** Notwithstanding the provisions of sections 14 and 15, the
23 Commission may seek for an order of injunction, mandamus, certiorari, or
24 prohibition from any High Court to enforce compliance with any guideline and
25 formula, directive, circular or instruction issued by it under this Act."

Amendment of
Section 19

26 **13.** Insert immediately after the definition of "member" the following
27 definition-

28 "National Assembly" means the Senate and House of Representatives
29 established by the Constitution of the Federal Republic of Nigeria"

- 1 **14.** This Bill may be cited as the Federal Character Commission Citation
2 (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Character Commission (Establishment etc) Act Cap. F7 Laws the Federation of Nigeria, 2004 by giving the Commission additional powers to enable it discharge its functions more effectively.

This Bill also seeks to increase the fines for violating of its provisions.