

FEDERAL CAPITAL TERRITORY PUBLIC SERVICE COMMISSION

BILL, 2015

ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE—PROCEEDINGS OF THE COMMISSION

A BILL

FOR

AN ACT TO ESTABLISH A PUBLIC SERVICE COMMISSION FOR THE FEDERAL CAPITAL TERRITORY; AND FOR MATTERS CONNECTED THEREWITH

Sponsored By Hon. Iorwase Herman Hembe

[] Commencement

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

1 PART I — ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL
2 TERRITORY PUBLIC SERVICE COMMISSION

3 1.—(1) There is hereby established a body to be known as the Establishment
4 Federal Capital Territory Public Service Commission (in this Act referred to
5 as “the Commission”).

6 (2) The Commission shall be a body corporate with perpetual
7 succession and a common seal and may:

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

9 (b) hold, acquire and dispose of any property or interest in property,
10 moveable or immovable.

11 2.—(1) The Commission shall consist of no fewer than five and no Membership of
12 more than seven Members, each of whom shall be resident in the FCT, to be the Commission
13 appointed in accordance with this section and one of whom shall be the
14 Chairperson of the Commission.

15 (2) The Chairperson shall be the Chief Executive of the
16 Commission and shall direct and supervise all administrative and
17 operational activities of the Commission.

18 (3) The Minister shall submit to the President, a list comprising
19 persons who, in the opinion of the Minister, are persons of unquestionable
20 integrity and sound judgment, out of which the President of the Federal
21 Republic of Nigeria shall appoint, the Chairperson and Members of the

1 Commission.

2 (4) Each Member shall be a person with wide knowledge in civil and
3 public administration issues and administrative matters, with at least 15 years
4 post-tertiary institution cognate experience in public or private sector
5 administration.

6 (5) No person shall be qualified for appointment as a Chairperson or
7 Member of the Commission if the person:

8 (a) is not a citizen of Nigeria;

9 (b) is an undischarged bankrupt;

10 (c) has, within the preceding 10 years, been removed from office as a
11 member of any of the bodies established by section 153 of the Constitution of
12 the Federal Republic of Nigeria, or as the holder of any other office on the
13 ground of misconduct;

14 (d) holds office in any political party or political organization; and

15 (e) does not, in the opinion of the Minister, have sufficient knowledge
16 of or experience in the administration, management or rendering of public
17 services to enable him or her discharge the duties of the office effectively and
18 efficiently.

19 (6) Any person employed in the Public Service of the Federation or of
20 a State shall not be disqualified for appointment as a Chairperson or Member of
21 the Commission, provided that where such person has been duly appointed to
22 the Commission, the person shall, upon accepting the appointment, be deemed
23 to have resigned or retired from his or her former office as from the date of the
24 appointment.

25 (7) The composition, appointment, tenure, vacation of office,
26 conditions of service and functioning of the Commission shall be such as shall
27 ensure the independence and impartiality of the Commission and the efficient
28 and effective exercise, performance and discharge of its powers, duties and
29 functions.

1 3.—(1) The Members of the Commission shall hold office for a Tenure of Office,
etc.
2 period of five years renewable once for a further period of five years only.

3 (2) Any Member of the Commission may resign the appointment at
4 any time by notice in writing under the Member's hand addressed to the
5 President through the Minister.

6 (3) Any person who is a Member of the Commission may be
7 removed from office by the President upon the recommendation of the
8 Minister if:

9 (a) for any reason, the person ceases to be eligible for appointment
10 to the Commission; or

11 (b) the Minister has cause to believe that on account of the person's
12 misconduct or unfitness for his or her duties as a Member, or incapacity to
13 carry out those duties effectively and efficiently, or for any other similar
14 reason, such person ought to be removed from office as a Member.

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

21 (5) A Member of the Commission shall before entering upon his or
22 her duties take and sign an oath of office before the Minister.

23 4. The remuneration and other conditions of service of the Remuneration
and conditions
of service
24 Chairperson and Members of the Commission shall be determined in
25 accordance with regulations to be issued by the Minister pursuant to this
26 Act.

27 PART II — FUNCTIONS AND POWERS OF THE COMMISSION

28 5.—(1) The Commission shall, without prejudice to the powers Functions
29 vested in the President, have responsibility:

30 (a) to appoint persons to offices in the Public Service of the FCT;

1 (b) to dismiss and exercise disciplinary control over persons holding
2 such offices;

3 (c) advise the Minister on policies relating to:

4 (i) the functions of, and administration of departments in, the Public
5 Service of the FCT;

6 (ii) the establishment or abolition of any department or organisational
7 component in the Public Service of the FCT, or the designation of any such
8 department or organisational component or the head thereof;

9 (iii) the conditions of service of officers and employees generally,
10 including the scales of salaries, wages or allowances of all the various classes,
11 ranks and grades of officers and employees as well as salary ranges in respect
12 of particular classes, ranks and grades of officers and employees;

13 (iv) employment and other personnel practices, including
14 appointments, promotions, transfers, discharge and other career incidents of
15 members of the public service, as well as human resource management and
16 training and matters in connection therewith;

17 (v) labour relations in the Public Service of the FCT;

18 (vi) the promotion of efficiency and effectiveness in departments
19 within the Public Service of the FCT;

20 (vii) the promotion of broad representation, equality and the other
21 democratic values and principles enshrined in the Constitution of the Federal
22 Republic of Nigeria;

23 (viii) information management and information technology in the
24 Public Service of the FCT; and

25 (ix) transformation and reform of the Public Service of the FCT.

26 (2) The Minister shall be responsible for-

27 (a) any policy which relates to a matter referred to in paragraph (1) (c)
28 of section 5; and

29 (b) issuance of directives or regulations or the provision of a

1 framework of norms and standards with a view to giving effect to any such
2 policy.

3 6.—(1) The Commission shall have the power to:

General Powers

4 (a) do all things which by this Act or any other enactment are
5 required or permitted to be done by the Commission;

6 (b) make recommendations, give directions to officers and
7 employees of the Public Service of the FCT and conduct enquiries in
8 relation to its functions under this Act; and

9 (c) exercise such other powers and perform such other functions as
10 may be entrusted to it by law.

11 (2) The Commission shall have the power, within the framework of
12 any policies prescribed by the Minister pursuant to subsection (2) of section
13 5, to:

14 (a) issue a code of conduct applicable to officers and employees of
15 the Public Service of the FCT;

16 (b) prescribe the standards and procedures to be followed in the
17 recruitment and selection of candidates for appointment to and promotion
18 within the Public Service of the FCT;

19 (c) supervise effective personnel transfer and promotion
20 procedures within the Public Service of the FCT;

21 (d) provide personnel planning advisory services to officers and
22 employees of the Public Service of the FCT;

23 (e) advertise and effectively distribute information regarding
24 vacant positions in the Public Service of the FCT;

25 (f) prepare, maintain and distribute to employees of the Public
26 Service of the FCT, appropriate staff procedure manuals;

27 (g) provide staff evaluation advisory services;

28 (h) provide appropriate staff training and executive development
29 programs;

30 (i) do other acts and things that may be necessary for the proper

1 administration of this Act and the regulations.

2 (3) The Commission shall when so requested, advise the Minister in
3 regard to any matter relating to the public service or the employment,
4 remuneration or other conditions of service of functionaries employed by any
5 institution or body which receives funds wholly or partly appropriated by the
6 FCT Administration;

7 (4) In exercising its powers to make appointments or to exercise
8 disciplinary control over persons the Commission shall not be subject to the
9 direction or control of any other authority or person.

Power to appoint 10 7. Except as otherwise provided in any enactment, the Commission
11 shall have the power and authority to make appointments to or from within the
12 Public Service of the FCT, of persons for whose appointment there is no
13 authority in or under any other Act.

Power to delegate 14 8. Subject to any limitation imposed by law, the Commission may
15 delegate any of its powers to any Member of the Commission or to any official
16 in the public service or authorize any such Member or official to perform any of
17 its functions.

Power to borrow 18 9. Subject to the approval of the Minister, the Commission may from
19 time to time, borrow by way of overdraft or otherwise, such sums as it may
20 require for the effective discharge of its functions under this Act.

Acquisition of 21 10. For the purpose of providing offices and premises necessary for
Land, etc. 22 the performance of its functions under this Act, the Commission may subject to
23 the Land Use Act purchase or take on lease any interest in land, or other
24 property.

Access, 25 11.—(1) Officers and employees in the Public Service of the FCT
Information, etc. 26 shall give the Commission access to their respective offices and the facilities
27 and such other assistance and information as the Commission may require for
28 the exercise of its powers, functions and duties.

29 (2) Without prejudice to the generality of subsection (1) of this
30 section, the Commission, or any Member or employee of the Commission duly

1 authorized in that behalf, for the purpose of carrying out any of the functions
2 conferred on the Commission under this Act -

3 (a) shall have a right of access to all relevant information and
4 records of any staff of agencies, departments and secretariats and all other
5 administrative units of the FCT; and

6 (b) may by notice in writing, served on any person require that
7 person to furnish or cause to be furnished information on such matters as
8 may be specified in the notice.

9 (3) It shall be the duty of any person required to furnish information
10 pursuant to subsection (2) of this section to comply with the notice within a
11 reasonable period of time.

12 **12.** The Commission may conduct investigations and audits on any
13 matter within its jurisdiction.

Investigations
and Audits

14 **PART III — STAFF**

15 **13.—(1)** There shall be a Secretary to the Commission who shall be
16 appointed by the Commission and shall-

Secretary to the
Commission

17 (a) be a senior officer not below the rank of a Director in the Public
18 Service of the FCT;

19 (b) be the accounting officer of the Commission; and

20 (c) hold office on such terms and conditions as to emoluments and
21 other conditions of service as approved by the Minister.

22 (2) The Secretary shall, subject to the general directions of the
23 Commission, be responsible-

24 (a) for the day to day administration of the Commission; and

25 (b) for keeping the books and proper records of proceedings of the
26 Commission.

27 **14.—(1)** The Commission shall appoint such other employees as it
28 may deem necessary for the efficient performance of its functions under this
29 Act and shall have power to pay persons so employed such remuneration
30 (including allowances) as may be payable to other officers or employees of

Other staff of the
Commission, etc.

1 similar grade in the Public Service of the FCT.

2 (2) The terms and conditions of employment applicable to officers
3 and employees of the Public Service of the FCT shall apply to the employees
4 and staff appointed by the Commission under subsection (1) of this section.

5 (3) The Commission may delegate to the Chairperson, generally or
6 specifically, the power to appoint such categories of staff of the Public Service
7 of the FCT as the Commission may from time to time specify.

Engagement of
Consultants

8 **15.** The Commission may engage such consultants and advisers as it
9 may require for the effective discharge of its functions.

10 PART IV — FINANCIAL PROVISIONS

Fund of the
Commission

11 **16.—(1)** The FCT Administration shall establish a fund for the
12 Federal Capital Public Service Commission and provision for the fund shall be
13 made in the annual budget of the FCT Administration.

14 (2) There shall be paid and credited to the Fund established pursuant
15 to subsection (1) of this section-

16 (a) such monies as may from time to time, be granted or deposited
17 with the Commission by the FCT Administration or any body or institution
18 within the country;

19 (b) all monies raised for the purposes of the Commission by way of
20 gifts, grants-in-aid, testamentary dispositions or otherwise; and

21 (c) proceeds from all other assets that may from time to time accrue to
22 the Commission.

23 (3) The Commission shall defray from the fund all expenditures
24 incurred by it, including-

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

26 (b) the payment of salaries, fees or other remunerations or allowances
27 and pensions and gratuities payable to Members, officers and employees of the
28 Commission;

29 (c) reimbursement of Members or of any committee set up by the
30 Commission of such expenses as may be expressly authorised by the

1 Commission in accordance with the rates approved by the Minister;
2 (d) for the maintenance of any property vested in the Commission;
3 (e) anything done in connection with any of its functions under this
4 Act.

5 17.—(1) The Commission may accept any gifts, grants-in-aid,
6 testamentary dispositions of land, money or other property from any person
7 or organisation upon such terms and conditions (acceptable to the
8 Commission), if any, as may be specified by the person or organisation
9 making the gifts, grants-in-aid, testamentary dispositions.

Power to accept
gifts

10 (2) The Commission shall not accept any gift or donation if the
11 conditions attached thereto by the person or organisation making the gift or
12 donation are inconsistent with the functions of the Commission.

13 18.—(1) The Commission shall not later than 30th day of
14 September in each year, submit to the Minister, an estimate of the income
15 and expenditure of the Commission (including estimates of expected
16 payments into the fund of the Commission) during the next succeeding year.

Annual estimates
and expenditure

17 (2) The Commission shall keep proper accounts in a form which
18 conforms to accepted accounting standards, and proper records in relation
19 thereto and the accounts shall be audited as provided in subsection (3) of this
20 section.

21 (3) The accounts of the Commission shall be audited at the end of
22 each calendar year by auditors appointed by the FCT Administration from
23 the list and in accordance with the Financial Guidelines and the fees of the
24 auditors and the expenses for the audit generally shall be paid from the Fund.

25 19. The Commission shall, not later than six months after the end of
26 each year, submit to the Minister, a report on the activities of the
27 Commission and its administration during the immediately preceding year
28 and shall include in the report the audited accounts of the Commission and
29 the auditors' comments thereon.

Annual Reports

1 offices or institutions;

2 (c) control, organisation, rationalisation, restructuring or
3 readjustment of departments, sub-departments, branches, offices or
4 institutions;

5 (d) creation, number, grading, re-grading, designation, re-
6 designation, conversion, deployment or abolition of posts on the Public
7 Service of the FCT;

8 (d) number of persons to be employed temporarily or under a special
9 contract, whether in a full-time or a part-time capacity; and

10 (f) efficient, economic and effective use of resources and to improve
11 the management and functioning of departments, sub-departments, branches,
12 offices and institutions.

Definitions

13 **26.** In this Act, unless the context otherwise requires-

14 "Chairperson" means the Chairperson of the Commission;

15 "Commission" means the F.C.T. Public Service Commission established by
16 section 1 of this Act;

17 "Financial Guidelines" means the guidelines issued from time to time for the
18 accounting and financial reporting functions of the FCT by the Auditor-
19 General of the Federation or the Department of Audit in the FCT;

20 "FCT" means the Federal Capital Territory, Abuja;

21 "Member" means any member of the Commission and includes the
22 Chairperson;

23 "Minister" means the Minister for the time being charged with responsibility
24 for the FCT under the Federal Capital Territory Act;

25 "President" means the President of the Federal Republic of Nigeria;

26 "Public Service of the FCT shall consist of persons who hold fixed or
27 permanent appointments in the civil or public service of the FCT, or of any
28 institution or body which receives funds wholly or partly appropriated by the
29 FCT Administration.

1 *Committees*

2 6. Subject to its standing orders, the Commission may appoint such
3 number of standing ad hoc committees as it thinks fit to consider and report on
4 any matter with which the Commission is concerned.

5 7. Every committee appointed under the provisions of subparagraph
6 (1) of this paragraph, shall be presided over by a Member of the Commission
7 and shall be made up of a number of persons, not necessarily members of the
8 Commission, as the Commission may determine in each case.

9 8. The decision of the Committee shall have no effect until it is
10 confirmed by the Commission.

11 *Miscellaneous*

12 9. The fixing of the seal of the Commission shall be authenticated by
13 the signature of the Chairperson and of the Executive Secretary of the
14 Commission or such other member authorised generally or specifically by the
15 Commission to act for that purpose.

16 10. Any contract or instrument, which if made by a person not being a
17 body corporate, would not be required to be made under seal, may be made or
18 executed on behalf of the Commission by the executive secretary or by any
19 other person generally or specifically authorised by the Commission to act for
20 that purpose.

21 11. Any document purporting to be a contract, instrument or other
22 document signed or sealed on behalf of the Commission shall be received in
23 evidence and, unless the contrary is proved, be presumed, without further proof
24 to have been so signed or sealed.

25 12. The validity of any proceedings of the Commission or a
26 Committee thereof, shall not be adversely affected by:

27 (a) any vacancy in the membership of the Commission;

28 (b) any defect in the appointment of a member of the Commission or
29 Committee; or

1 (c) reason that a person not entitled to do so, took part in the
2 proceedings.

3 **13.** Any member of the Commission or a committee thereof, who
4 has a personal interest in any contract or arrangement entered into or
5 proposed to be considered by the Commission or Committee, shall forthwith
6 disclose such interest to the Commission or Committee and shall not vote on
7 any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Public Service Commission for the Federal
Capital Territory, and for matters connected therewith.