

# A BILL

## FOR

AN ACT TO ESTABLISH THE PUBLIC SERVICE INSTITUTE OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH

*Sponsored by Hon. Jacobson B. Nbina*

[ ] Commencement

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

1           PART I - ESTABLISHMENT OF THE PUBLIC SERVICE INSTITUTE

2           1.-(1) There is established a body to be known as the Public Service  
3 Institute of Nigeria (in this Act referred to as "the Institute").

Establishment  
of the Public  
Service Institute  
of Nigeria

4           (2) The Institute:

5           (a) shall be a body corporate with perpetual succession and a  
6 common seal;

7           (b) may sue or be sued in its corporate name;

8           (c) may acquire, own, hold, develop or dispose of property, both  
9 moveable and immovable.

10          2.-(1) The objective of the Institute is to:

Objective of  
the Institute

11           (1) be a world-class centre of excellence in transforming public  
12 sector governance, management and leadership development;

13           (2) continuously engage in modernizing management practices  
14 and enhancing leadership. competence of public servants; and

15           (3) strengthen the organizational capacities of public service  
16 institutions through provision of transformational training, research and  
17 consultancy.

18          3. The Institute shall:

Functions of  
the Institute

19           (1) provide competency-based and demand driven training to  
20 public servants, using information and cutting-edge technology services in

1 order to enhance their professional, technical, managerial and leadership  
2 capabilities.

3 (2) serve as think-tank support to the Federal Government especially  
4 with regard to public sector management, reform and sustainable  
5 development.

6 (3) provide high quality research, consultancy, policy advocacy and  
7 implementation support services to the Federal, States and Local Governments  
8 in Nigeria.

9 (4) serve as a centre of excellence and innovation by promoting  
10 organizational excellence and long-life learning in the public sector.

11 (5) compliment other manpower and management development  
12 institutions in Nigeria in the promotion and cultivation of enlightened  
13 management practices in the public service.

14 (6) provide its services to a variety of clients, both within and outside  
15 of Government in Nigeria or elsewhere.

16 (7) establish a collaborative partnerships with relevant Universities,  
17 professional bodies and International Organisations.

18 (8) instill in public officers a Commitment to Public Service values,  
19 ethics and integrity as a cardinal principle of public life.

20 (9) carry out such other functions as may be determined from time to  
21 time by the Government through the Board or by any other law.

Powers of the  
Institute

22 4.-(1) In discharging its functions and objects under this Act, the  
23 Institute shall exercise the following powers and in particular may:

24 (a) use a combination of core staff, associates fellows and think-tank  
25 support to deliver the business of the Institute;

26 (b) ensure limited dependence on direct government budgetary  
27 support;

28 (c) establish and maintain facilities for the provision of services as  
29 well as conduct activities related to the discharge of its functions, objects or  
30 duties;

1 (d) organize such courses and programmes it deems appropriate  
2 and render such consultancy, advice and research services to the public  
3 sector and any other person or body in Nigeria or elsewhere on any matter  
4 Powers of the Institute related to or connected with its objects and functions;

5 (e) hold such tests, examinations and carry out other forms of  
6 assessment as well as grant certificates awards and other qualifications  
7 (other than degrees) for the attainment of needed skills and competencies  
8 within and beyond the public service;

9 (f) enter into such contracts as may be expedient or necessary,  
10 particularly for facilities management, cleaning, security, catering and other  
11 ancillary services to enable the institute to focus primary on its core mandate  
12 of training, research and consultancy;

13 (g) lease, let develop or utilize any property, moveable or  
14 immoveable which are either vested in the institute or acquired by it on such  
15 terms and conditions that are transparently undertaken to uphold the public  
16 trust;

17 (h) charge fees or commissions for services rendered by the  
18 institute and for the use of its facilities;

19 (i) collect, analyze, compile publish and disseminate information,  
20 particularly of a statistical nature and carry out promotional activities;

21 (j) raise funds and receive donations, grants, gifts, subsidies or  
22 contributions from any source, in consonance with the law;

23 (k) provide recreational facilities and promote recreational  
24 activities to advance the welfare of the students, officers of the institute and  
25 members of their families.

26 (2) The Institute may, exercise such other powers that are  
27 incidental to the realization of its mandate.

28 PART II - ESTABLISHMENT AND COMPOSITION OF THE

29 GOVERNING BOARD

30 5.-(1) There is established a Governing Board for the Institute

Governing Board

1 (hereinafter referred to as “the Board”) which shall be responsible for the  
2 formulation of the general policies, of the Institute with respect to its mandate  
3 and such other things which in its opinion is calculated to facilitate the carrying  
4 out of the objects of the Institute and to promote its best interests.

5 (2) Without prejudice to the generality of the provisions of subsection  
6 (1) of this section, the Board shall have and exercise the following powers:

7 (a) appoint members of staff of the Institute and exercise disciplinary  
8 control over them;

9 (b) approve the annual budget of the Institute;

10 (c) enter into such contracts as may be necessary or expedient for  
11 carrying into effect the provisions of this Act; and

12 (d) prescribe the terms and conditions of service in the Institute in  
13 accordance with what is obtainable in Nigerian Universities;

14 (e) oversee the performance of the Director-General and other  
15 management staff of the Institute;

16 (f) approve such fees and commission that may be charged by the  
17 Institute for its services.

Membership  
of the Board

18 6.-(1) The Board shall consist of the followings:

19 (a) a Chairman;

20 (b) a representative of the Permanent Secretary:

21 (i) Manpower Development Office;

22 (ii) Federal Civil Service Commission;

23 (iii) Federal Ministry of Education.

24 (c) the Secretary, National Planning Commission;

25 (d) a Head of a State Civil Service, selected on rotational basis from  
26 among the six geopolitical zones;

27 (e) a representative of the organized Private Sector;

28 (f) a representative of the Civil Society;

29 (g) an expert in public sector management and administrative  
30 reforms; and

1 (h) the Director-General.

2 (2) Members shall be appointed by the President on the  
3 recommendation of the Head of the Civil Service of the Federation.

4 (3) A person appointed, otherwise than by Office, as a member  
5 shall hold office for a term of four years and may be eligible for  
6 reappointment for one further term of four years.

7 7. A member, other than ex-officio, may at anytime be removed  
8 from office by the President if he is satisfied that it is not in the interest of the  
9 Institute that the person concerned should continue in office as a member.

Removal of  
member

10 8. The supplementary provisions contained in the schedule to this  
11 Act shall have effect with respect to the proceedings of the Board and the  
12 other matters therein mentioned.

13 PART III - THE DIRECTOR-GENERAL AND OTHER STAFF OF THE  
14 INSTITUTE

15 9.-(1) There shall be appointed by the President on the  
16 recommendation of the Head of the Civil Service of the Federation, a  
17 Director-General for the Institute.

Director-General

18 (2) The Director-General shall:

19 (a) be responsible to the Board for the day to day management of  
20 the Institute; and

21 (b) hold office for a single term of five years and on such terms and  
22 conditions as may be determined by the Board including a clause on agreed  
23 performance contract agreement with appropriate incentives and freedom to  
24 manage.

25 (c) be selected through a competitive selections process initiated  
26 by the Head of the civil service of the Fédération.

27 (3) The Directors and Heads of departments as may be approved by  
28 the Board shall be responsible to the Director-General for the day to day  
29 functions of their departments.

Appointment of the Secretary/ Legal Adviser	1	<b>10.-(1)</b> There shall be appointed by the Board, a Secretary/Legal
	2	Adviser who shall be a legal practitioner and has been so qualified for a period
	3	of at least ten years.
	4	(2) The Secretary/Legal Adviser shall:
	5	(a) be the Secretary to the Board;
	6	(b) keep records of the Board;
	7	(c) be the Head of the Legal Unit.
	8	(d) Carry out other activities as may be directed by the Board or the
	9	Director General.
Other Staff	10	<b>11.</b> There shall be appointed by the Board such other staff, agents and
	11	consultants as may be required by the institute from time to time on such terms
	12	and conditions as may be determined by the Board.
Pension	13	<b>12.-(1)</b> Subject to the provisions of the Pensions Reform Act, it is
	14	declared that service in the Institute shall be approved service for the purposes
	15	of that Act and, accordingly, officers and other persons employed in the
	16	Institute shall in respect of their service be entitled to pensions, and other
	17	retirement benefits as are enjoyed by persons holding equivalent grades in the
	18	Nigerian Universities, however nothing in this Act shall prevent the
	19	appointment of a person to any office on terms which preclude the grant of a
	20	pension and gratuity in respect of that office.
	21	(2) For purposes of the application of the provisions of the Pension
	22	Reform Act and in accordance with this Act, any power exercisable thereunder
	23	by a Minister or any other authority of the Government of the Federation, other
	24	than the power to make regulations is hereby vested in and shall be exercisable
	25	by the Board.
	26	(3) Where any person in the Institute, whose case does not fall within
	27	the scope of any pension or other schemes established by law retires or dies in
	28	the service of the Institute, or is discharged from such service, the Institute may
	29	grant to such a person or other person or persons wholly or partly dependent on
	30	him, such allowance or benefits as the institute may determine.

## 1 PART IV - FINANCIAL PROVISIONS

2 13. The Institute shall establish and maintain a fund into which Funds of the  
3 shall be paid and credited: Institute

4 (a) such sums as may be provided by the Government of the  
5 Federation;

6 (b) fees charged for services rendered by the Institute; and

7 (c) all sums accruing to the Institute by way of gifts, and  
8 endowments or contributions from philanthropic persons or organizations  
9 or otherwise howsoever.

10 14.-(1) The Institute may accept gift of land, money or other Power to accept  
11 property upon such terms and conditions, if any, as may be specified by-the gifts  
12 person or organization making the gift.

13 (2) The Institute shall not accept any gift if the conditions attached  
14 by the person or organization making the gift are inconsistent with the  
15 objectives of the Institute or its position as a non- partisan institution free  
16 from any undue influence.

17 15.-(1) The Institute may with the approval of the Board or in Power to borrow  
18 accordance with the general authority given by the Government borrow by  
19 way of loan or overdraft from any source any monies required by the  
20 Institute for meeting of its obligations and functions under this Act, however  
21 where the sum or the aggregate of the sums involved at any time does not  
22 exceed Five million Naira, no such approval shall be required.

23 (2) The Institute may subject to the provisions of this Act and the  
24 conditions of any trust created in respect of any property, invest its surplus  
25 funds with the like approval or general authority.

26 (3) The Board may invest any surplus funds in such securities as  
27 may be approved by the Government.

28 16.-(1) The Board shall cause to be prepared not later than 30th Annual Estimates  
29 September, in each year an estimate of the expenditure and income of the  
30 Institute during the next succeeding financial year and when prepared shall

1 submit same to the Head of the Civil Service of the Federation.

2 (2) The Board shall cause to be kept proper accounts and proper  
3 records of its income and expenditure and when certified by the Board such  
4 accounts shall be audited by auditors appointed from the list and in accordance  
5 with the guidelines supplied by the Auditor-General for the Federation.

6 PART V - LEGAL PROCEEDINGS

Limitation of  
suit against the  
institute, etc.

7 17.-(1) Subject to the provisions of this Act, the Public Officers  
8 Protection Act shall apply in relation to any suit instituted against an officer or  
9 employee of the Institute.

10 [Cap.P41,LFN,2004]

11 (2) No suit shall be commenced against a member or the Director-  
12 General or any other officer or employee of the Institute before the expiration  
13 of a period of one month after the written notice of the intention to commence  
14 the suit shall have been served on the Institute by the intending plaintiff or his  
15 agent.

16 (3) The notice referred to in subsection (2) of this section shall clearly  
17 and explicitly state the cause of action, the particulars of the claim, the name  
18 and place of abode of the intending plaintiff and the relief which he claims.

19 (4) A notice, summons or other document required or authorized to be  
20 served on the Institute under the provisions of this Act or any other enactment  
21 or law may be served by delivery to the Director-General or by sending it by  
22 registered post addressed to the Director-General at the principal office of the  
23 Institute.

Restriction of  
execution against  
property of the  
Institute

24 18.-(1) In any action or suit against the Institute, no execution or  
25 attachment of process in the nature thereof shall be issued against the Institute  
26 unless not less than 30 days notice of the intention to execute or attach has been  
27 given to the Institute.

28 (2) Any sum of money which by the judgment of any court has been  
29 awarded against the Institute shall, subject to any direction given by the court,  
30 where no appeal against the judgment has been given, be paid from the fund of



1 the Institute.

2 (3) A member or the Director-General or any officer or employee  
3 of the Institute shall be indemnified against any liability incurred by him in  
4 defending any proceeding, whether civil or criminal, if the proceeding is  
5 brought against him in his capacity as a member, Director-General, officer  
6 or other employee of the Institute and shall be paid from the fund of the  
7 Institute.

8 19.-(1) The President or his representative may give to the Board  
9 directives of a general nature with regards to the exercise by the Board of its  
10 functions under this Act, and it shall be the duty of the Board to comply with  
11 such directions.

Power of the  
President to give  
directives

12 20.-(1) The Board may make such regulations as in its opinion are  
13 necessary or expedient for giving full effect to the provisions of this Act and  
14 for the due administration of its provisions.

Regulations

15 (2) The Board shall publish in the Federal Government Gazette,  
16 regulations made pursuant to subsection (1) of this section.

17 21. In this Act, unless the context otherwise requires:

Interpretation

18 "Board" means the Governing Board of the Public Service Institute of  
19 Nigeria established in Section 5 of this Act;

20 "Chairman" means the Chairman of the Governing Board of the Public  
21 Service Institute;

22 "Institute" means the Public Service Institute of Nigeria;

23 "Director-General" means the Director-General and Chief Executive  
24 Officer of the Institute;

25 "Member" means member of the Board and includes the Chairman;

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

27 "Government" means the Federal Government of Nigeria.

28 22. This Bill may be cited as the Public Service Institute Bill, 2015.

Short Title

## 1 SCHEDULE

## 2 SUPPLEMENTARY PROVISIONS ON THE PROCEEDINGS OF THE BOARD

3 1.-(1) Subject to this Act and to section 27 of the Interpretation Act  
4 which provides for the decisions of a statutory body to be taken by a majority of  
5 the members of the body and for the person presiding to have a second or  
6 casting vote, the Board may make standing orders regulating the proceedings  
7 of the Board or of any committee thereof.

8 *[Cap. 122, LFN, 2004]*

9 (2) The quorum of the Board shall be the Chairman and five other  
10 members and the quorum of any committee of the Board shall be determined by  
11 the Board.

12 2.-(1) The Board shall meet not less than four times in each year and,  
13 subject thereto, the Board shall meet whenever it is summoned by the  
14 Chairman; and if the Chairman is required to do so by notice given to him by  
15 not less than the other members, he shall summon a meeting of the Board to be  
16 held within fourteen days from the date on which the notice is given.

17 (2) At any meeting of the Board the Chairman shall preside; but if he is  
18 absent, the members present at the meeting shall appoint one of their members  
19 to preside at that meeting.

20 (3) Where the Board desires to obtain the advice of any person on a  
21 particular matter, the Board may co-opt him as a member for such period as it  
22 thinks fit, but a person who is a member by virtue of this sub-paragraph shall  
23 not be entitled to vote at any meeting of the Board and shall not count towards  
24 the quorum.

25 (4) Notwithstanding any of the foregoing provisions of this  
26 paragraph, the first meeting of the Board shall be summoned by the President.

27 *Committees*

28 3.-(1) The Board may appoint one or more committees to carry out, on  
29 behalf of the Board, such of its functions as the Board may determine.

30 (2) A committee appointed under this paragraph shall consist of such

1 number of persons (not necessarily all members of the Board) as may be  
2 determining by the Board; and a person other than a member of the Board shall  
3 hold office on the committee in accordance with the terms of his appointment.

4 (3) A decision of a committee of the Board shall be of no effect until it  
5 is confirmed by the Board.