

FEDERAL CHARACTER COMMISSION (AMENDMENT) BILL, 2016

ARRANGEMENT OF SECTIONS

*Section:*

1. Amendment of the Principal Act
2. Amendment of Section 4
3. Amendment of Section 5
4. Amendment of Section 7
5. Amendment of Section 15
6. Insertion of New Section 15A
7. Amendment of Section 19
8. Citation



# 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 VIOLATORS OF THE FEDERAL CHARACTER (ESTABLISHMENT, ETC.) ACT AND REVIEW OF THE PENALTIES, AND FOR RELATED MATTERS

*Sponsored by Hon. Uchechuku G. Nnam-Obi*

[ ] 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").

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

3           2. Section 4 of the Principal Act is amended-

Amendment of  
Section 4

4           (i) by inserting after the existing subsection (2) a new subsection 3  
5 to read as follows:

6           “(3) In carrying out its functions under paragraph (a) of subsection  
7 (i) above, the Commission shall have regard for the need to ensure gender  
8 equity and the need for fair representation of the physically challenged”.

9           (ii) by renumbering the existing subsections (3) and (4)  
10 respectively as Sections (4) and (5).

12          3. Section 5 of the Principal Act is amended-

Amendment of  
Section 5

13          (a) in subsection (1) by inserting after the existing paragraph (g) a  
14 new paragraph (h):

15          “Where the Commission is of the view that any MDA did not  
16 submit a correct nominal roll or where any MDA is being investigated for  
17 flouting any set out rules as stipulated in the Commission's guideline and  
18 formula, circulars or directives, the Commission shall have power to  
19 demand the nominal roll of such MDA from the Integrated Payroll and

1 Personnel Information System (IPPIS) or any other paying agency”.

2 (b) by renumbering existing paragraph (h) as (i).

3 (c) amending Section 5 (2) by deleting the last full stop after so and  
4 inserting "through" then immediately thereunder' provide as follows:

5 (a) Its own Legal Practitioners;

6 (b) External Legal Practitioners, or

7 (c) Attorney General of the Federation or any ,of the States or any of  
8 their Counsel;

9 (d) by inserting, after the existing subsection "(2) ", new Subsections  
10 "(3) and (4) as follows:

11 "(3) The Commission shall in enforcing its functions under Section 4  
12 (1) (d) (i) and (ii), monitor the budget formulation and implementation of all  
13 Ministries, Extra-Ministerial Departments and Agencies after which a  
14 certificate of no objection shall be issued.

15 (4) The power to institute investigations conferred by Subsection (1)  
16 of this Section shall include the power to summon and to interrogate any officer  
17 of the Institution or organization connected with the subject matter of the  
18 investigation".

Amendment of  
Section 7

19 4. Section 7 of the principal Act is amended-

20 (a) by inserting immediately after the existing subsection (1) an  
21 additional proviso to, read "provided that where the Chairman fails, neglects,  
22 ignores, refuses or is unable to convene a meeting, at least four members, one  
23 each representing four geopolitical zones may convene an Executive Session  
24 of the Commission;

25 (b) by substituting for the existing subsection (3) thereof the  
26 following new Subsection (3) therefore that is-

27 "(3) During the Chairman 's absence or leave or if the Chairman is  
28 otherwise not available or is unable to perform his functions, the member of the  
29 Commission at the Executive Session shall nominate anyone of them to act as  
30 Chairman for any specific period or pending the nomination of a Chairman by

1 the President provided that at such a meeting not less than half of the  
2 members constituting the Commission shall be present and the nomination  
3 of the Acting Chairman shall be by simple majority of those present."

4 5. Insert immediately after the existing Section 15 (3) of the Amendment of  
5 Principal Act a new subsection (4): Section 15

6 "(4) For any Ministry, Extra-Ministerial Department and Agency  
7 that fail to comply with any of the Guidelines and' Formulae, Circular or  
8 directives issued by the Commission in their recruitment exercise; the  
9 Commission shall have the power to:

10 (a) recommend the removal or suspension from office of the Chief  
11 Executive Officer of the affected institution to the President;

12 (b) direct the reversal and cancellation of the recruitment exercise;

13 (c) review of the penalties from N50,000 to N100,000.00 for  
14 persons and N100,000.00 to N500,000.00 for corporate bodies and from  
15 N10,000.00 to N30,000.00 for daily breach of the Act."

16 6. The Principal Act is amended by inserting a new Section 15A to Insertion of new  
17 read as follows- Section 15A

18 "Establishment of the Federal Character Commission Tribunal:

19 15A.-(1) There shall be established a tribunal to be known as  
20 Federal Character Commission Tribunal which shall consist of a Chairman  
21 and two other persons.

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

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

28 (4) The National Assembly may by law confer on the Federal  
29 Character Tribunal such additional powers as may appear to it to be

1 necessary to enable it effectively discharge the functions conferred on it in this  
2 Act”,

Staff

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

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

Tenure of Office  
of Chairman and  
members

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

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

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

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

Amendment of  
Section 19

27 7. Insert immediately after the word Constitution in Section 19, the  
28 following words:

29 "Company" means any company in which the Federal, State or Local  
30 Government has 40% of the authorized share capital.

- 1                    8. This Bill may be cited as the Federal Character Commission    Citation  
2    Act (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Character Commission Act, Cap. 17, Laws of the Federation of Nigeria, 2004, to among other things, empower the Commission to penalize Chief Executive Officers of Ministries, Extra-Ministerial Departments and Agencies that fail to comply with the provisions of the Commission's Act in recruitment exercise.

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