

FEDERAL CAPITAL TERRITORY AREA COUNCILS
(ADMINISTRATIVE AND POLITICAL STRUCTURE) BILL, 2015

ARRANGEMENT OF SECTIONS

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1 wards to such extent as it may consider desirable in the light of the review.

Time when
alteration of ward
takes

2 **5.** Where the boundaries of any ward established under section 3 of
3 this Act are altered in accordance with the provisions of section 4 of this Act,
4 that alteration shall come into effect after it has been approved by the National
5 Assembly and after the current life of that Legislative Council.

Supervision of
elections

6 **6.** The registration of voters and the conduct of elections shall be
7 subject to the direction and supervision of the Independent National Electoral
8 Commission.

Functions of
Area Councils

9 **7.** The functions of an Area Council are –

10 (a) the formulation of economic plans and development schemes for
11 Area Councils;

12 (b) collection of rates and issuance of radio and television licences;

13 (c) establishment and maintenance of cemeteries, burial grounds and
14 homes for the destitute or infirm;

15 (d) licencing of bicycles, trucks (other than mechanically-propelled
16 trucks), canoes, wheel barrows and carts;

17 (e) establishment, maintenance and regulation of slaughter houses,
18 slaughter slabs, markets, motor parks and public conveniences;

19 (f) naming of roads and streets and numbering of houses;

20 (g) construction and maintenance of roads, street lights, drains, parks,
21 gardens, open spaces or such public facilities as may be prescribed from time to
22 time by the National Assembly;

23 (h) provision and maintenance of public conveniences, sewage and
24 refuse disposal;

25 (i) assessment of privately-owned houses or tenements for the
26 purpose of levying such rates as may be prescribed by the National Assembly;

27 (j) control, and regulation of –

28 (i) outdoor advertising and boarding,

29 (ii) movement and keeping of pets of all descriptions,

30 (iii) shops and kiosks,

- 1 (iv) restaurants, bakeries and other places for sale of food to the
2 public,
3 (v) laundries,
4 (vi) licencing, regulation and control of the sale of liquor.
5 (k) registration of all births, deaths and marriages; and
6 (l) participation in the administration of the FCT in respect of the
7 following matters –
8 (i) the provision and maintenance of primary, adult and vocational
9 education,
10 (ii) the development of agriculture and natural resources, other
11 than exploitation of minerals,
12 (iii) the provision and maintenance of health services, and
13 (iv) such other functions as may be conferred on an Area Council
14 by the of National Assembly.

15 PART II – LEGISLATIVE COUNCIL

16 8. There shall be a Legislative Council for each of the Area
17 Councils of the Federal Capital Territory.

Establishment of
Legislative
Council for Area
Councils

18 9. A Legislative Council shall consist of such number of seats as
19 the number of wards in that Area Council.

Composition of
the Legislative
Council

20 10.-(1) There shall be a Speaker of a Legislative Council who shall
21 be elected by the Councillors form among themselves.

Speaker of the
Legislative
Council

22 (2) The Speaker of the Legislative Council shall vacate his office –

23 (a) if he ceases to be a member of the Legislative Council otherwise
24 than by reason of dissolution of the Legislative Council;

25 (b) when the Legislative Council first sits after any dissolution of
26 the Legislative Council; or

27 (c) if he is removed from office by a resolution of the Legislative
28 Council by not less than two-thirds majority of the Councillors.

29 (2) The Speaker of the Legislative Council shall vacate his office –

30 (a) if he ceases to be a member of the Legislative Council otherwise

1 than by reason of dissolution of the Legislative Council;

2 (b) when the Legislative Council first sits after any dissolution of the
3 Legislative Council; or

4 (c) if he is removed from office by a resolution of the Legislative
5 Council by votes of not less than two-thirds majority of the Councillors.

Staff of
Legislative
Council

6 **11.** There shall be a Clerk to the Legislative Council and such other
7 staff as may be appointed by the Area Council Service Commission established
8 under this Act.

Election of
Councillors

9 **12.** There shall be elected from every ward in an Area Council one
10 Councillor.

Qualification of
Councillors

11 **13.** Subject to the provisions of this Act, a person shall be qualified
12 for election as a Councillor if he—

13 (a) is a citizen of Nigeria;

14 (b) has attained the age of 25 years;

15 (c) has been educated up to at least the School Certificate level or its
16 equivalent; and

17 (d) is a member of a political party and sponsored by the party.

Disqualification
of Councillors

18 **14.** -(1) No person shall be qualified for election as a Councillor if—

19 (a) he has voluntarily acquired the citizenship of a country other than
20 Nigeria or, except in such cases as may be prescribed by the National
21 Assembly, he has made a declaration of allegiance to such other country;

22 (b) under any law in force in any part of Nigeria, he is judged to be a
23 lunatic or otherwise declared to be of unsound mind;

24 (c) he is under a sentence of death imposed on him by any court of law
25 in Niger or a sentence of imprisonment for an offence involving dishonesty (by
26 whatever name called) imposed on him by such a court or substituted by a
27 competent authority for any other sentence imposed on him by such a court;

28 (d) he has been convicted and sentenced by any court of law for an
29 offence involving dishonesty or he has been found guilty of a contravention of
30 the Code of Conduct;

1 (e) he is an undischarged bankrupt, having been adjudged or
2 otherwise declared bankrupt under any law in force in any part of the
3 Federation;

4 (f) he is a person employed in the public service of the Federation
5 or any State; or

6 (g) he is a member of a secret society.

7 (2) Where in respect of any person who has been adjudged to be a
8 lunatic, declared to be of unsound mind, sentenced to death or imprisonment
9 or adjudged or declared bankrupt, any appeal against the decision is pending
10 in any court of law in accordance with any law in force in Nigeria, the
11 provisions of subsection (1) of this section shall not apply during a period
12 beginning from the date when such appeal is lodged and ending upon the
13 date when the appeal is finally determined or, as the case may be, the appeal
14 lapses or is abandoned, whichever is earlier.

15 (3) For purposes of subsection (2) of this section –
16 “appeal” includes an application for an injunction or an order of *certiorari*,
17 *mandamus*, prohibition, or *habeas corpus*, or an appeal from any such
18 application.

19 15. Every person elected as a Councillor shall, before taking his
20 seat in that Legislative Council, declare his assets and liabilities in the
21 manner prescribed in the Constitution and subsequently take and subscribe
22 before the Speaker of the Legislative Council, the Oath of Allegiance and
23 Oath of Membership prescribed in the Third Schedule to this Act, but a
24 member may, before taking the oaths, take part in the election of the Speaker.

Declaration of
assets and
liabilities by
Councillors

25 16. A Councillor shall vacate his seat in the Legislative Council –

Tenure of seats
of Councillors

26 (a) when he becomes a member of the legislative house other than
27 the Council into which he was elected;

28 (b) on the date when his letter of resignation takes effect;

29 (c) if he becomes President, Vice-President, or Minister in the
30 Government of the Federation or a Secretary in the Federal Capital Territory

1 Administration;
2 (d) being a person whose election was sponsored by a political party,
3 he resigns from the party or becomes a member of another political party before
4 the expiration of the period for which he was elected:

5 Provided that his membership of the latter political party is not as a result of a
6 division in the political party of which he was previously a member or a merger
7 of two or more political parties or factions by one of which he was previously
8 sponsored;

9 (e) if he becomes a member of a secret society or does any other thing
10 disqualifying him from holding the office of Councillor under this Act; or

11 (f) receives a certificate under the hand of the Chairman of
12 Independent Electoral Commission stating that the provisions of section 21 of
13 this Act have been complied with in respect of the recall of that Councillor.

Presiding at
sittings

14 **17. -(1)** At any sitting of the Legislative Council, the Speaker shall
15 preside and, in his absence, the Majority Leader shall preside.

16 (2) In the absence of both persons in subsection (1) of this section, any
17 other Councillor as may be elected for that purpose may preside.

Quorum

18 **18.** The quorum of a Legislative Council shall be one-half of the
19 Councillors.

Voting

20 **19.** Except as otherwise provided by the Constitution, any question
21 proposed in the Legislative Council shall be determined by simple majority of
22 the members present and voting, and the person presiding shall have a casting
23 vote whenever necessary to avoid equality of votes.

Mode of
exercising
legislative power
of Area Council

24 **20. -(1)** The power of a Legislative Council to make Bye-Laws shall
25 be exercised by bills passed by the Legislative Council and, except as
26 otherwise provided by this section, assented to by the Chairman.

27 (2) A bill shall not become a Bye-Law unless it has been duly passed
28 and, subject to subsection (1) of this section, assented to in accordance with the
29 provisions of this section.

30 (3) Where a bill has been passed by the Legislative Council it shall be

1 presented to the Chairman for assent.

2 (4) Where a bill is presented to the Chairman for assent he shall
3 within thirty days signify that he assents or that he withholds assent.

4 (5) Where the Chairman withholds assent and the bill is again
5 passed by the Legislative Council by two-thirds majority, the bill shall
6 become law and the assent of the Chairman shall not be required.

7 **21.** Subject to the provisions of this Act, a Legislative Council
8 shall have power to regulate its own procedure, including the procedure for
9 summoning and recess of the Council. Regulation of
procedures

10 **22.** -(1) A Legislative Council may appoint a committee of its
11 members for any special or general purpose as in its opinion would be better
12 regulated and managed by means of such committee, and may by resolution,
13 regulation or otherwise as it thinks fit delegate any functions exercisable by
14 it to any such committee. Committees

15 (2) The number of members of a committee appointed under this
16 section, their term of office and quorum shall be fixed by the Legislative
17 Council.

18 (3) Nothing in this section shall be construed as authorizing a
19 Legislative Council to delegate to a committee the power to decide whether
20 a bill shall be passed into Bye-Law or to determine any matter which it is
21 empowered to determine by resolution under the provisions of this Act, but
22 such a committee of the Legislative Council may be authorised to make
23 recommendations to the Legislative Council on any such matter.

24 **23.** A Legislative Council shall sit for a period not less than one
25 hundred and eighty-one days in one year commencing from the date of the
26 first sitting of the Legislative Council. Sittings

27 **24.** -(1) A Legislative Council shall stand dissolved at the
28 expiration of a period of four years commencing from the date of the first
29 sitting of the Legislative Council. Dissolution and
issue of
proclamation by
Chairman

30 (2) Subject to the provisions of this Act, the person elected as the

1 Chairman of an Area Council shall have power to issue a proclamation for the
2 holding of the first session of the Legislative Council of the Area Council
3 concerned immediately after his being sworn in, or for its dissolution as
4 provided in this Act.

Vacancy or
participation of
strangers not to
invalidate
proceedings

5 **25.** A Legislative Council may act notwithstanding any vacancy in its
6 membership, and the presence or participation of any person not entitled to be
7 present at or to participate in the proceedings of the Legislative Council shall
8 not invalidate such proceedings.

Recall

9 **26.** A Councillor may be recalled if—

10 (a) there is presented to the Chairman of the Independent National
11 Electoral Commission a petition signed by more than one-half of the persons
12 registered to vote in that Councillor's ward alleging their loss of confidence in
13 that Councillor; and

14 (b) the petition is approved in a referendum conducted by the
15 Independent National Electoral Commission within ninety days of the receipt
16 of the petition by a simple majority of the votes of the persons registered to vote
17 in the Councillor's ward.

Right of
attendance of
Chairman

18 **27.** -(1) The Chairman of an Area Council may attend a meeting of the
19 Legislative Council of an Area Council either to deliver an address on Area
20 Council affairs or to make such statements on the policy of government as he
21 may consider to be of importance to the Area Council.

22 (2) A Supervisor of an Area Council shall attend a meeting of the
23 Legislative Council of an Area Council if he is invited to explain to the
24 Legislative Council the conduct of his department, and in particular when the
25 affairs of that department are under discussion.

26 (3) Nothing in this section shall enable any person who is not a
27 member of a Legislative Council to vote in that Legislative Council or in any of
28 its committees.

Time of elections
to Legislative
Council

29 **28.** -(1) Elections to a Legislative Council shall be held on a date to be
30 appointed by the Independent National Electoral Commission.

1 (2) The date mentioned in subsection (1) of this section shall not be
2 earlier than ninety days before and not later than the date on which the
3 Legislative Council stands dissolved, or where the election is to fill a
4 vacancy occurring more than three months before such date, not later than
5 one month after the vacancy occurred.

6 **29. -(1)** All revenues or other moneys raised or received by an Area
7 Council (not being revenues or other moneys payable under this Act or any
8 Bye-Law of a Legislative Council into any other public fund of the Area
9 Council established for a specific purpose) shall be paid into and form one
10 consolidated revenue fund of the Area Council.

Establishment of
consolidated
revenue fund

11 (2) No money shall be withdrawn from the consolidated revenue
12 fund of the Area Council except to meet expenditure that is charged upon the
13 fund by this Act or where the issue of those moneys has been authorized by
14 an Appropriation Bye-Law or law passed in pursuance of section 30 of this
15 Act.

16 (3) No money shall be withdrawn from any public fund of the Area
17 Council other than the consolidated revenue fund of the Area Council,
18 unless the issue of those money has been authorised by a Bye-Law of the
19 Legislative Council of the Area Council.

20 (4) No money shall be withdrawn from the consolidated revenue
21 fund of the Area Council or any other public fund of the Area Council except
22 in the manner prescribed by the Legislative Council.

23 **30. -(1)** The Chairman shall cause to be prepared and laid before
24 the Legislative Council at any time before the commencement of each
25 financial year, estimates of the revenues and expenditure of the Area
26 Council for the next following financial year.

Authorization of
expenditure from
consolidated
revenue fund

27 (2) The heads of expenditure contained in the estimates, other than
28 expenditures charged upon the consolidated revenue fund of the Area
29 Council by this Act, shall be included in a bill, to be known as an
30 Appropriation Bill, providing for the issue from the consolidated revenue

1 fund of the Area Council of the sums necessary to meet that expenditure and the
2 appropriation of those sums for the purposes specified therein.

3 (3) Any amount standing to the credit of the Legislative Council in the
4 consolidated revenue of the Area Council shall be paid directly to the
5 Legislative Council.

6 (4) If in respect of any financial year, it is found that –

7 (a) the amount appropriated by the Appropriation Bye-Law for any
8 purpose is insufficient; or

9 (b) a need has arisen for expenditure for a purpose for which no
10 amount has been appropriated by the Bye-Law;

11 a supplementary estimate showing the sums required shall be laid before the
12 Legislative Council and the heads of any such expenditure shall be included in
13 a Supplementary Appropriation Bill.

14 (5) If the Appropriation Bill in respect of any financial year has not
15 been passed into Law by the beginning of the financial year, the Chairman may
16 authorize the withdrawal of moneys from the consolidated revenue fund of the
17 Area Council for the purpose of meeting expenditure necessary to carry on the
18 service of government, for a period not exceeding six months or until the
19 coming into operation of the law, which is the earlier;

20 Provided that the withdrawal in respect of any such period shall not exceed the
21 amount authorised to be withdrawn from the consolidated revenue fund of the
22 Area Council under the provisions of the Appropriation Law passed by the
23 Legislative Council for the corresponding period in the immediately preceding
24 financial year, being an amount proportionate to the amount so authorised for
25 the immediate preceding financial year.

Contingencies
fund

26 **31.** A Legislative Council may by Bye-Law make provisions for the
27 establishment of a contingency fund for the Area Council and for authorizing
28 the Chairman, if satisfied that there has arisen an urgent and unforeseen need
29 for expenditure for which no other provision exists, to make advances from the
30 Fund to meet that need.

1 **32.** -(1) There shall be paid into to the holders of the offices Remuneration,
2 mentioned in this section such remuneration and salaries as may be etc. of the
3 prescribed by a Legislative Council, but not exceeding the amount as shall Chairman and
4 be have been determined by the Revenue Mobilization, Allocation and certain other
5 Fiscal Commission. officers

6 (2) The remuneration, salaries and allowances payable to the
7 holders of the offices so mentioned shall be charged upon the consolidated
8 revenue fund of the Area Council.

9 (3) The remuneration and salaries payable to the holders of the said
10 offices and their conditions of service, other than allowances, shall not be
11 altered to their disadvantage after their appointment.

12 (4) The offices aforesaid are the offices of Chairman, Vice-
13 Chairman and Supervisors.

14 **33.** -(1) Subject to the provisions of this Act, a Legislative Council Power to conduct
15 shall have power by resolution to direct or cause to be directed an inquiry or investigation
16 investigation into –

17 (a) any matter or thing with respect to which it has power to make
18 Bye-Laws; and

19 (b) the conduct of affairs of any person, authority, department
20 charged, or intended to be charged, with the duty of or responsibility for –

21 (i) executing or administering bye-laws enacted by the Legislative
22 Council; and

23 (ii) disbursing or administering moneys appropriated or to be
24 appropriated by such Legislative Council.

25 (2) The powers conferred on a Legislative Council under the
26 provisions of this section are exerciseable only for the purpose of enabling
27 the Legislative Council to –

28 (a) make bye-laws with respect to any matter within its legislative
29 competence and correct any defects in existing bye-laws; and

30 (b) expose corruption, inefficiency or wastes in the execution or

1 administration of laws within its legislative competence and in the
2 disbursement or administration of funds appropriated by it.

Power as to
matters of
evidence

3 **34.** -(1) For the purposes of any investigation under section 33 of this
4 Act, and subject to the provisions thereof, a Legislative Council or a committee
5 appointed in accordance with section 22 of this Act shall have power to –

6 (a) procure all such evidence, written or oral, direct or circumstantial,
7 as it may think necessary or desirable, and examine all persons as witnesses
8 whose evidence may be material or relevant to the subject matter;

9 (b) requires such evidence to be given on oath;

10 (c) summon any person in Nigeria to give evidence at any place or
11 produce any document or other thing in his possession or under control, and
12 examine him as a witness and require him to produce any document or other
13 thing in his possession or under his control, subject to all just expectations; and

14 (d) issue a warrant to compel the attendance of any person who, after
15 having been summoned to attend, fails, refuses or neglect to do so and does not
16 excuse such failure, refusal or neglect to the satisfaction of the Legislative
17 Council or the committee, and order him to pay all costs which may have been
18 occasioned in compelling his attendance or by reason of his failure, refusal or
19 neglect to obey the summons and also to impose such fine as may be prescribed
20 for any such failure, refusal or neglect; and any fine so imposed by a court of
21 law.

22 (2) A summons or warrant issued under this section may be served or
23 executed by any member of the Nigeria Police Force or by any person
24 authorized in that behalf by the Speaker of the Legislative Council of an Area
25 Council.

26 **PART III – CHAIRMAN, VICE-CHAIRMAN AND OTHER OFFICERS OF AREA**
27 **COUNCIL, ETC.**

Chairman and
Vice-Chairman

28 **35.** There shall be for each Area Council, a Chairman and Vice-
29 Chairman.

1 **36.** A person shall be qualified to hold the office of Chairman if Qualification of
Chairman

2 he—

3 (a) is a citizen of Nigeria;

4 (b) has attained the age of 30 years;

5 (c) is educated to at least the School Certificate level or its

6 equivalent; and

7 (d) is a member of a political party and is sponsored by the party.

8 **37.** -(1) A person shall not be qualified to hold the office of Disqualification
of Chairman
9 Chairman if—

10 (a) he has voluntarily acquired the citizenship of a country other
11 than Nigeria or, except in such cases as may be prescribed by the National
12 Assembly, as the case may be, he has made a declaration of allegiance to
13 such other country;

14 (b) under any law in force in any part of Nigeria, he is adjudged to
15 be a lunatic or otherwise declared to be of unsound mind;

16 (c) he is under a sentence of death imposed on him by any court of
17 law or tribunal in Nigeria or a sentence of imprisonment for an offence
18 involving dishonesty or fraud imposed on him by such court or substituted
19 by a competent authority for any other sentence imposed on him by that
20 court;

21 (d) he has been found guilty of contravention of the Code of
22 Conduct under the Code of Conduct for Public Officers in the Fifth Schedule
23 to the Constitution;

24 (e) he is an un-discharged bankrupt, having been adjudged or
25 otherwise declared bankrupt under any law in force in any part of Nigeria;

26 (f) he is a person employed in the Public Service or Civil Service of
27 the Federation or any state, or any Area Council and has not resigned,
28 withdrawn or retired from such employment thirty days before the date of
29 election; and

30 (g) he is a member of secret society.

1 (2) Where in respect of any person who has been adjudged to be a
2 lunatic or declared to be of unsound mind or sentenced to death or to
3 imprisonment or adjudged or declared bankrupt, an appeal against the decision
4 is pending in a court of law in accordance with a law in force in Nigeria,
5 subsection (1) of this section shall not apply during a period beginning from the
6 date when the appeal is lodged and ending on the date when the appeal is finally
7 determined or, as the case may be, the appeal lapses or is abandoned, whichever
8 is earlier.

9 (3) The Chairman shall not hold any other executive office or paid
10 employment in any capacity whatsoever during his tenure of office.

11 (4) For the purposes of subsection (2) of this section –
12 “appeal” has the same meaning given to it in section 14(3) of this Act.

Election of
Chairman

13 **38.** -(1) An election to the office of the Chairman shall be held on a
14 date to be appointed by the Independent National Electoral Commission.

15 (2) An election to the said office shall not be held on a date not earlier
16 than one hundred and fifty days and later than one hundred and twenty days
17 before the expiration of the term of office of the last holder of that office.

18 (3) Where in an election to the office of the Chairman at the close of
19 the nomination –

20 (a) only one candidate has been nominated, the Independent National
21 Electoral Commission shall extend the time for nomination; or

22 (b) of the two candidates nominated for the election there is only
23 candidate by reason of the disqualification, withdrawal, incapacitation,
24 disappearance, or death of the other candidate, the Independent National
25 Electoral Commission shall extend the time for nomination, so that where after
26 the extension, only one candidate remains validly nominated, there shall be no
27 further extension.

28 (4) A candidate for election to the office of Chairman shall be deemed
29 to have been duly elected where, being the only one candidate nominated for
30 election he has a majority of all the votes cast at the election in at least two-

1 thirds of the wards but where the only candidate fails to be elected in
2 accordance with this subsection there shall be fresh nominations.

3 (5) A candidate for an election to the office of the Chairman shall be
4 deemed to have been duly elected where, there being two candidates he has a
5 majority of the votes cast in the election.

6 (6) In default of a candidate being duly elected—

7 (a) under subsection (4) of this section, the Independent National
8 Electoral Commission shall, within thirty days of the declaration of result,
9 order another or further nomination and election until the emergence of a
10 candidate as provided for in this section; and

11 (b) under subsection (5) of this section by reason of a tie, the
12 Independent National Electoral Commission shall declare as duly elected,
13 that candidate who scored the highest number of votes of wards in the Area
14 Council.

15 (7) For the purpose of an election under this section, an Area
16 Council shall be regarded as one constituency.

17 **39.** A person elected to the office of the Chairman shall not begin to
18 perform the functions of that office until and unless he has declared his
19 assets and liabilities as prescribed by the Code of Conduct for Public
20 Officers in the Fifth Schedule to the Constitution and has subsequently taken
21 and subscribed, before the Chief Judge of the Federal Capital Territory, the
22 Oath of Allegiance and Oath of Office as prescribed in the Third Schedule to
23 this Act.

Declaration of
assets and
liabilities and
oath of office of
Chairman

24 **40. -(1)** A person shall not be deemed to have validly nominated as
25 a candidate for the office of a Chairman of an Area Council unless he
26 nominates another candidate as his running mate for the office of Chairman
27 who is to occupy the office of Vice-Chairman and that candidate shall be
28 deemed to be duly elected to the office of Vice-Chairman if the candidate
29 who nominated him is duly elected as Chairman.

Nomination of
Vice-Chairman
by Chairman

30 (2) The provisions of this Act relating to qualification for election,

1 tenure of office, disqualification, declaration of assets and liabilities and oaths
2 for Chairman shall apply in relation to the office of the Vice-Chairman as if
3 reference to Chairman were referenced to Chairman were references to Vice-
4 Chairman.

Removal of
Chairman or
Vice-Chairman

5 **41.** -(1) The Chairman or Vice-Chairman of an Area Council may be
6 removed from office in accordance with the provisions of this section.

7 (2) Whenever a notice of any allegation in writing signed by not less
8 than one-half of the Councillors –

9 (a) is presented to the Speaker of the Legislative Council of the Area
10 Council;

11 (b) stating that the holder of such office is guilty of gross misconduct
12 in the performance of the functions of his office, detailed particulars of which
13 shall be specified, the Speaker of the Legislative Council shall within seven
14 days of the receipt of the notice, cause a copy of the notice to be served on the
15 holder of the office and on each Councillor, and shall also cause any statement
16 made in reply to the allegation by the holder of the office, to be served on each
17 Councillor.

18 (3) Within fourteen days of the presentation of the notice to the
19 Speaker of the Legislative Council (whether or not any statement was made by
20 the holder of the office in reply to the allegation contained in the notice), the
21 Legislative Council shall resolve by motion, without any debate whether or not
22 the allegation shall be investigated.

23 (4) A motion of the Legislative Council that the allegation be
24 investigated shall not be declared as having been passed unless it is supported
25 by the votes of no less than two-thirds majority of all the Councillors.

26 (5) Within seven days of the passing of a motion under the foregoing
27 provisions of this section, the Chief Judge of the Federal Capital Territory shall
28 at the request of the Speaker of the Legislative Council, appoint a Panel of five
29 persons who in his opinion are of unquestionable integrity, not being members
30 of any public service, legislative house or political party, to investigate the

1 allegation as provided in this section.

2 (6) The holder of an office whose conduct is being
3 investigated under this section shall have the right to defend himself in
4 person or be represented before the Panel by a legal practitioner of his own
5 choice.

6 (7) A panel appointed under this section shall –

7 (a) have such powers and exercise its functions in accordance with
8 such procedure as may be prescribed by the Legislative Council; and

9 (b) within two months of its appointment, report its findings to the
10 Legislative Council.

11 (8) Where the Panel reports to the Legislative Council that the
12 allegation has not been proved, no further proceedings shall be taken in
13 respect of the matter.

14 (9) Where the report of the Panel is that the allegation against the
15 holder of the office has been proved, then within fourteen days of the receipt
16 of the report, the Legislative Council shall consider the report, and if by a
17 resolution of the Legislative Council supported by not less than two-thirds
18 majority of all its members, the report of the Panel is adopted, then the
19 holder of the office shall stand removed from office as from the date of the
20 adoption of the report.

21 (10) No proceedings or determination of the Panel or of the
22 Legislative Council or any matter relating to such proceedings or
23 determination shall be entertained or questioned in any court.

24 (11) in this section –

25 “gross misconduct” means a grave violation or breach of the provisions of
26 this Act or a misconduct of such nature as amounts in the opinion of the
27 Legislative Council to gross misconduct.

28 42.- (1) The Chairman or Vice-Chairman shall cease to hold office
29 if –

30 (a) by resolution passed by two-thirds majority of all members of

Permanent
incapacity of the
Chairman and
Vice-Chairman

1 the Legislative Council declaring that the Chairman or the Vice-Chairman is
2 incapable of discharging the functions of his office; and

3 (b) the declaration under paragraph (a) of this subsection shall be
4 verified after such medical examination as may be necessary by a medical
5 panel established under subsection (4) of this section in its report to the
6 Secretary to the Area Council.

7 (2) Where the medical panel certifies in the report that in its opinion,
8 the Chairman or Vice-Chairman is suffering from such infirmity of the body or
9 mind as to render him permanently incapable of discharging the functions of
10 his office, a notice of the medical report signed by the Secretary to the Area
11 Council shall be published in the FCT Gazette or as may be directed by the
12 Minister.

13 (3) The Chairman or Vice-Chairman shall cease to hold office from
14 the date of publication of the notice of the medical report pursuant to subsection
15 (2) of this section.

16 (4) The medical panel referred to in this section shall be appointed by
17 the Secretary to the Area Council and shall comprise three medical
18 practitioners in Nigeria, of whom –

19 (a) one shall be a medical practitioner of the choice of the Chairman or
20 Vice-Chairman as the case may be; and

21 (b) two other medical practitioners.

Discharge of
function of
Chairman

22 **43.** -(1) The Vice-Chairman shall hold the office of the Chairman of
23 the Area Council if the office of the Chairman becomes vacant by reason of
24 death, resignation or removal from office in accordance with section 40 of this
25 Act.

26 (2) Where a vacancy occurs in the circumstances mentioned in
27 subsection (1) of this section or for any other reason during a period when the
28 office of the Vice-Chairman is also vacant, the Speaker of the Legislative
29 Council shall hold office of Chairman for a period of not more than three
30 months during which there shall be an election of a new Chairman.

1 (3) Where the office of the Vice-chairman becomes vacant –
2 (a) by reason of death or resignation or removal in accordance with
3 section 40 of this Act,
4 (b) by this assumption of the office as Chairman in accordance with
5 subsection (1) of this section, or
6 (c) for any other reason,
7 the Chairman shall nominate a qualified party member for approval by two-
8 thirds majority of the members of the Legislative Council.

9 44. -(1) Subject to the provisions of this Act, a person shall hold
10 office of a Chairman until –

Tenure of office
of Chairman

11 (a) he becomes a member of a legislative house;
12 (b) he becomes a President, Vice-President or Minister or the
13 Government of the Federation or a Commissioner of the Government of the
14 Federation or appointed to any executive position by the Minister;
15 (c) he resigns from that political party or becomes a member of
16 another political party before the expiration of that period for which he was
17 elected as the Chairman of the Area Council;
18 (d) his successor in office takes the oath of that office;
19 (e) he dies whilst holding that office;
20 (f) the date when the resignation from that office takes effect;
21 (g) he ceased to hold office in accordance with the provisions of
22 this Act; or
23 (h) he becomes a member of a secret society or does any other thing
24 disqualifying him from holding the office of Chairman under this Act.

25 (2) The Speaker of the Legislative Council shall give effect to the
26 provisions of subsection (1) of this section, so however, that the Secretary of
27 the Area Council shall first present evidence satisfactory to the Legislative
28 Council that any of the provisions of this subsection have become applicable
29 in respect of the Chairman.

(3) Subject to the provision of subsection (1) of this section, the

1 Chairman shall vacate his office at the expiration of a period of four years
2 commencing from the date when –

3 (a) in the case of a person first elected as Chairman under this Act, he
4 took the Oath of Allegiance and Oath of Office; or

5 (b) the person last elected to the office took the oath of allegiance and
6 the oath of office or would but for his death have taken these oaths.

Death of
Chairman-elect
before Oath of
office

7 **45.**-(1) if a person duly elected as Chairman dies or otherwise declines
8 to the oath of allegiance and the oath of office, the person elected with him as
9 Vice-Chairman shall be sworn in as Chairman who shall then, with the
10 approval of the two-thirds majority of the members of the Legislative Council
11 appoint a new Vice-Chairman.

12 (2) Where the Vice-Chairman is appointed from among the
13 Councillors, the Independent National Electoral Commission shall conduct a
14 bye-election to fill the vacant seat created in the ward from which the new Vice-
15 Chairman has been appointed.

Executive
responsibility
of Vice-Chairman
or supervisors

16 **46.**-(1) The Chairman shall assign to the Vice-Chairman specific
17 responsibilities for any business of the Area Council.

18 (2) The Chairman shall, in his discretion, assign to any supervisors of
19 the Area Council, responsibility for any business of the Area Council including
20 the administration of any department of the Government.

21 (3) The Chairman shall hold regular meetings with the Vice-
22 Chairman and all the Supervisors for the purpose of –

23 (a) determining the general direction of the policies of the Area
24 Council;

25 (b) co-ordinating the activities of the Area Council; and

26 (c) generally discharging the executive functions of the Area Council.

Area Council
Supervisors

27 **47.**-(1) There shall be not less than three and not more than five offices
28 of Supervisors for an Area Council.

29 (2) Any appointment to the office of a supervisor of an Area Council
30 shall be made by the Chairman and confirmed by the Legislative Council.

1 (3) The consumption of the Supervisors and the conduct of affairs
2 of the Area Council shall be carried out in such a manner to recognize the
3 diversity of the people within the Area Council and the need to promote
4 national unity such that there shall be no predominance of persons from a
5 particular ethnic or sectional group.

6 (4) Any elected Councillor who is appointed as a supervisor of an
7 Area council shall be deemed to have resigned his seat as a Councillor on
8 taking the Oath of Office of a Supervisor as prescribed in the Third Schedule
9 to this Act.

10 (5) No person shall be appointed a Supervisor of an Area Council
11 unless he is qualified to be a Councillor of that Area Council.

12 **48.**-(1) There shall be a Secretary to the Area Council who shall be
13 appointed by the Chairman of the Area Council.

Secretary to the
Area Council

14 (2) The Secretary shall be a person who is qualified for election as
15 Chairman of the Area Council and shall cease to hold office when the
16 Chairman ceases to hold office.

17 (3) The Secretary shall declare his assets and liabilities as
18 prescribes by the Code of Conduct for Public Officers in the Fifth Schedule
19 to the Constitution and shall take the Oath of Allegiance and Oath of Office
20 as prescribed in the Third Schedule to this Act.

21 **49.** The Secretary shall –

Functions of the
Secretary to the
Area Council

22 (a) serve as the Secretary to the meetings of the Executive Council
23 of the Area Council and keep its record;

24 (b) liaise with the appropriate officers charged with the
25 responsibility of Area Councils in the Federal Capital Territory
26 Administration;

27 (c) interact and interrelate with various departments of the council
28 with a view to implementing the policies of the Area Council;

29 (d) perform such other duties as may be assigned to him from time
30 to time by the Chairman of the Area Council.

The Accounting
Officer of the
Area Council

1 **50.**-(1) The Head of Personnel Management shall be the Accounting
2 Officer of the Area Council.

3 (2) The functions of the Head of Personal Management shall include—

4 (a) signing of all cheques, contractual agreements, local purchase
5 order forms and other documents relating to contracts subject to the approval of
6 the Executive Council;

7 (b) heading the Junior Staff Management Committee as its Chairman;

8 (c) assisting the Secretary to the Area Council in the formulation,
9 execution and review of Area Council policies; and

10 (d) performing such other duties as may be assigned to him by the
11 Chairman or Secretary to the Area Council.

Special Advisers

12 **51.**-(1) The Chairman of an Area Council may appoint any person as a
13 Special Adviser to assist him in the performance of his functions.

14 (2) The number of such Special Advisers shall not be less than two or
15 more than three.

16 (3) Any appointment made pursuant to the provisions of this section
17 shall be at the pleasure of the Chairman, and shall cease when the Chairman
18 ceases to hold office.

19 (4) A person appointed as a Special Adviser under this section shall
20 not begin to perform the functions of the office unless he has declared his assets
21 and liabilities as prescribes by the Code of Conduct for Public Officers in the
22 Fifth Schedule to the Constitution and has subsequently taken and subscribed
23 to the Oath of Allegiance and the Oath of Office prescribes in the Third
24 Schedule to this Act.

Executive
powers of the
Area Council

25 **52.**-(1) Subject to the provisions of this Act, the executive powers of
26 the Area Council shall be vested in the Chairman.

27 (2) The executive powers vested in the Chairman under subsection (1)
28 of this section shall, subject to the provisions of this Act be exercised by him
29 either directly or through—

30 (a) the Vice-Chairman or Supervisors of the Area Council;

1 (b) officers in the service of the Area Council; or

2 (c) the constituted committees.

3 (3) The executive powers of the Area Council under this section
4 shall –

5 (a) include the execution of compliance with the provisions of this
6 Act, all bye-laws made by the Legislative Council and extend to all matters
7 with respect to which the Legislative Council has power to make bye-laws;

8 (b) not be exercised so as to impede or prejudice the exercise of the
9 executive powers of the Federation or endanger any asset or investment of
10 the Government of the Federation or of the Federal Capital Territory
11 Administration in the Area Council.

12 PART IV – PUBLIC SERVICE OF AREA COUNCIL

13 53. There shall be for the Area Councils a Public Service.

Establishment of
Area Council
Public Service

14 54.-(1) There is established for the Federal Capital Territory an
15 Area Council Service Commission.

Area Council
Service
Commission

16 (2) The staff of the Area Council shall be appointed by the Area
17 Council Service Commission established under this Act.

18 55.-(1) The Service Commission shall comprise of –

Composition of
the Service
Commission

19 (a) an executive chairman, who shall be a retired senior public
20 officers;

21 (b) two permanent members; and

22 (c) six other members.

23 (2) The members shall –

24 (a) be appointed from each of the six Area Councils of the Federal
25 Capital Territory; and

26 (b) in the opinion of the Minister, be persons of unquestionable
27 integrity.

28 (3) Any person appointed pursuant to subsection (2) of this section
29 shall hold office for a period of four years from date of his appointment:

30 Provided that where a person has been appointed from a Public Service of

1 the Federation he shall be entitled to return to the Public Service of the
2 Federation.

Functions of
the Service
Commission

3 **56.**-(1) The Service Commission shall, without prejudice to the
4 powers vested in the Minister, the Federal Capital Territory Judicial Service
5 Commission and the Federal Civil Service Commission, have power to—

6 (a) appoint persons to offices in the Area Council Service on Grade
7 Level 07 and above; and

8 (b) deploy, dismiss and exercise disciplinary control over persons
9 holding those offices.

10 (2) The Service Commission shall delegate powers to the Area
11 Councils to employ, dismiss and exercise disciplinary control over persons
12 holding offices on Grade Level 01 – 06.

Pensions, etc.

13 **57.**-(1) Subject to the provisions of subsection (2) of this section, the
14 right of a person in the service of an Area Council to receive pension or gratuity
15 shall be regulated by the Pensions Act.

16 (2) A benefit to which a person is entitled to as referred to in
17 subsection (1) of this section shall not be withheld or altered to his advantage
18 except to such extent as is permissible under a law, including the Code of
19 Conduct for Public Officers in the Fifth Schedule to the Constitution.

Code of Conduct

20 **58.** A person in the public service of an Area Council shall observe
21 and conform to the Code of Conduct for Public Officer contained in the Fifth
22 Schedule to the Constitution.

23 **PART V – MISCELLANEOUS PROVISIONS**

Joint Economic
Planning Board

24 **59.**-(1) There shall be established a Joint Economic Planning Board
25 (in this Act referred to as “the Board”) for the Federal Capital Territory.

26 (2) The Joint Economic Planning Board shall comprise of—

27 (a) the Minister who shall be the Chairman;

28 (b) all the Area Council Chairman;

29 (c) all Head of Personnel Management of Area Council;

30 (d) all Treasurers of Area Councils;

1 (e) one person appointed by the Minister; and

2 (f) the Secretary.

3 (3) The Board may appoint such other supportive staff as it deems
4 necessary for the running of its affairs.

5 (4) The remuneration of the Secretary and supportive staff shall be
6 determined by the Board.

7 (5) The expenses to be incurred by the Board shall be defrayed
8 from the common service account established by the Minister.

9 (6) The functions of the Board shall be –

10 (a) to formulate economic policies for Area Councils in the Federal
11 Capital Territory;

12 (b) to advice Area Councils on matters pertaining to their
13 individual economic development; and

14 (c) undertake as the need arises joint projects in the Area Councils.

15 (7) The Board shall be a body corporate having perpetual
16 succession and common seal and may sue and be sued in its corporate name.

17 (8) The Board shall have power to formulate its proceedings.

18 **60.**-(1) The accounts of the Area Council and all other offices of the
19 Area Council shall be audited annual in accordance with the provisions of
20 this section.

Audit of public
accounts

21 (2) The Auditor-General shall within six months from the end of
22 each financial year, submit his report to the National Assembly.

23 (3) For the purposes of carrying out his duties under this section,
24 the Auditor-General or any person authorised by him in that behalf, shall
25 have access to all books, record, returns and other documents relating to
26 those accounts.

27 (4) In exercise of his function under this Act, the Auditor-General
28 shall not be subject to the direction or control of any authority or person.

29 **61.** There shall be an Auditor-General for Area Council who shall
30 be appointed by the President subject to the confirmation of the Senate.

Appointment of
Auditor-General
for Area Councils

Tenure of office for Auditor-Genral for Area Council	1	62. -(1) A person holding the office of the Auditor-General for Area
	2	Councils shall be removed by the President acting on a resolution of the
	3	National Assembly praying that he be so removed for inability to discharge the
	4	functions of his office (whether arising from infirmity of the mind or body or
	5	nay other cause) or for misconduct.
	6	(2) An Auditor-General for Area Council shall not be removed from
	7	office before such retiring age as may be prescribed by law, save in accordance
	8	with the provisions of this section.
Area Council Inspectors	9	63. -(1) The Minister shall appoint Inspectors for Area Councils.
	10	(2) The Area Council Inspectors shall –
	11	(a) at all reasonable times have access to and be entitled to inspect all
	12	books, accounts and records of Area Councils; and
	13	(b) advise Area Council in regards to any of its functions under this
	14	Act.
Vacancy	15	64. The proceedings of the Area Council Executive Committee shall
	16	not be invalidated by any vacancy created among its members or by any defect
	17	in the election, nomination or disqualification of any member.
Borrowing power	18	65. -(1) An Area Council may from time to time borrow such sum it
	19	may require for the performance of its functions under this Act.
	20	(2) Such loans shall subject to the approval of the Legislative Council
	21	and the Minister be secured upon the revenue and allocation of the Area
	22	Council.
	23	(3) An Area Council shall obtain loan advances from banks by
	24	overdraft upon the credit of the Area Council, provided that the Legislative
	25	Council approves it by resolution.
Interpretation	26	66. -(1) In this Act –
	27	“Chairman or Vice-Chairman” when used with reference to an Area Council
	28	means the Chairman or Vice-Chairman of the Area Council;
	29	“Councillor” means an elected member of the Legislative Council;
	30	“Minister” means the Minister charged with the responsibility of the Federal

1 Capital Territory;

2 “Supervisor” means an officer appointed by the Chairman as a member of
3 the Executive Council of an Area Council charged with the responsibility of
4 any department of government.

5 (2) In this Act, reference to a person holding an office shall include
6 references to a person acting in that office or holding that office for the time
7 being.

8 67. This Bill may be cited as the Federal Capital Territory Area Short title
9 Councils (Administrative and Political Structure) Bill, 2015.

SCHEDULES

FIRST SCHEDULE

Section 2

THE AREA COUNCILS IN THE FEDERAL CAPITAL TERRITORY

<i>No.</i>	<i>Area Council</i>	<i>Headquarters of the Area Council</i>
1.	Abaji	Abaji
2.	Abuja Municipal	Garki
3.	Bwari	Bwari
4.	Gwagwalada	Gwagwalada
5.	Kuje	Kuje
6.	Kwali	Kwali

SECOND SCHEDULE

Section 21

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE LEGISLATIVE
COUNCIL AND OTHER MATTERS

1.-(1) The Legislative Council shall sit for a period of not less than 181 days in a year.

(2) At any sitting of the Legislative Council, the Speaker shall preside and in his absence the Majority Leader shall preside.

(3) In the absence of both the Speaker and the Majority Leader, any other Councillor as may be elected for that purpose by the Councillors may preside.

2. The quorum of the Legislative Council shall be one-half of the members of the Legislative Council.

3. Except as otherwise provided by this Act, a question proposed for decision in the Legislative Council shall be determined by a simple majority of the members present and voting, and the person presiding shall have a casting vote whenever necessary to avoid an equality of votes.

4. Subject to the provisions of this Act, the Legislative Council shall regulate its own proceedings.

5.-(1) A Legislative Council may appoint a committee of its members for any special or general purpose as in its opinion would be better regulated and managed by means of such a committee and may by resolution, regulation or otherwise as it thinks fit delegate any function exercisable by it to

any such committee.

(2) The number of members of a committee appointed under this section, their terms of office and quorum shall be fixed by the Legislative Council.

(3) Nothing in this section shall be construed as authorizing an Area Council to delegate to a committee the power to decide whether a proposal shall be passed into law or to determine any matter which it is empowered to determine by resolution under the provisions of this Act but such a committee may be authorised to make recommendations to the Legislative Council on any such matter.

6. The Legislative Council shall stand dissolved at the expiration of a period of four years commencing from the date when the Councillors take and subscribe to their Oath of Office.

7. Subject to the provisions of this Act, the person elected as Chairman of an Area council shall have power to issue a proclamation for the holding of the first session of the Legislative Council of the Area Council concerned immediately after his being sworn in or for its dissolution as provided in this section.

THIRD SCHEDULE

Section 15, 39, 47(4), 48(3)

OATHS

OATH OF ALLEGIANCE

I, do solemnly swear/affirms that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve and defend the law, including the Constitution of the Federal Republic of Nigeria.

So, help me God.

OATH OF OFFICE OF THE CHAIRMAN

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Chairman of Area Council, I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and Federal Capital Territory Area Councils (Administrative and Political Structures) Act, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principle of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will exercise the

authority vested in me as Chairman so as not to prejudice the authority lawfully vested in the President of the Federal Republic of Nigeria so as not to endanger the continuance of Federal Government in Nigeria; that I will not allow my personal interest to influence my official conduct or my official decision; that I will to the best of my ability, preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule of the Constitution of the Federal Republic of Nigeria, 1999; that in all circumstances, I will do right to all manner of people, according to law without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Chairman of Area Council, except as may be required for the discharge of my duties as Chairman; and that I will devote myself to the service and well being of the people of Nigeria.

So, help me God.

OATH OF OFFICE OF THE VICE-CHAIRMAN, SUPERVISORS AND SECRETARY

TO THE AREA COUNCIL

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the of Area Council, I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and Federal Capital Territory Area Councils (Administrative and Political Structures) Act, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principle of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will exercise the authority vested in me as so as not to prejudice the authority lawfully vested in the President of the Federal Republic of Nigeria, so as not to endanger the continuance of Federal Government in Nigeria; that I will not allow my personal interest to influence my official conduct or my official decision; that I will to the best of my ability, preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule of the Constitution of the Federal Republic of Nigeria, 1999; that in all circumstances, I will do right to all manner of people, according to law without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my

consideration or shall become known to me as of
..... Area Council, except as may be required for the discharge of my
duties as; and that I will devote myself to the service and well being
of the people of Nigeria.

So, help me God.

OATH OF A MEMBER OF LEGISLATIVE COUNCIL

I, do solemnly swear/affirm that I will be
faithful and bear true allegiance to the Federal Republic of Nigeria; that as a member of
..... Legislative Council, I will discharge my duties to the best
of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal
Republic of Nigeria and Federal Capital Territory Area Councils (Administrative and Political
Structures) Act, and always in the interest of the sovereignty, integrity, solidarity, well-being and
prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives
and Directive Principle of State Policy contained in the Constitution of the Federal Republic of Nigeria;
that I will exercise the authority vested in me as a member of the
..... Legislative Council so as not to prejudice the authority lawfully
vested in the President of the Federal Republic of Nigeria, so as not to endanger the continuance of
Federal Government in Nigeria; that I will not allow my personal interest to influence my official
conduct or my official decision; that I will to the best of my ability, preserve, protect and defend the
Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in
the Fifth Schedule of the Constitution of the Federal Republic of Nigeria, 1999; that in all
circumstances, I will do right to all manner of people, according to law without fear or favour, affection
or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which
shall be brought under my consideration or shall become known to me as a member of the
..... Legislative Council, except as may be required for the discharge
of my duties as a member of the Legislative Council; and that I will
devote myself to the service and well being of the people of Nigeria.

So, help me God.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the administrative and political structure of the Area Councils in the
Federal Capital Territory.
