

ABUJA METROPOLITAN MANAGEMENT COUNCIL BILL, 2015

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ABUJA METROPOLITAN MANAGEMENT COUNCIL AND OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Phillip Aduda

[] Commencement

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

PART I - ESTABLISHMENT, MEMBERSHIP, ETC.

1.-(1) There is hereby established for the Federal Capital Territory Abuja ("FCT"), an Authority, to be known as the Abuja Metropolitan Management Council ("the Council"), which shall be responsible for the efficient running and operation of Municipal Services within the FCT.

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

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

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

2.-(1) The governing body of the Council shall be a Board of Directors referred to in this Act as "the Board".

(2) The Board shall consist of:

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

(b) the Executive Secretary of the FCDA, who shall be the Vice Chairman;

(c) the Co-ordinator, who shall be a full time member of the Board;

(d) five other members appointed by the Minister, who shall be persons with cognate experience in environmental and or municipal matters.

(3) All members of the Board, other than the Co-ordinator shall be

1 part-time members.

2 (4) There shall be paid to the Members of the Board such
3 remuneration as the minister may determine.

4 (5) Members appointed to the Board pursuant to paragraph (d) of
5 subsection (2) shall hold office for a period of four years renewable once for a
6 further period of four years only, provided however that:

7 (a) any Member may resign his appointment at any time by notice in
8 writing under his hand addressed to the Minister;

9 (b) if a Member dies or resigns or otherwise vacates his office before
10 the expiration of the term for which he is appointed, a fit and proper person
11 shall be appointed for the remainder of the term of office of that Member, and
12 that the successor shall represent the same interest and shall be appointed by the
13 Minister:

14 (c) a Member may be removed from office by the Minister if he is
15 satisfied that it is not in the interest of the Council or the interest of the public
16 that the Member should continue in office.

17 (6) The provisions of the Second Schedule to this Act shall have effect
18 with respect to the proceedings of the Authority and other matters mentioned
19 therein.

20 3.-(1) The following operational departments are hereby established
21 for the Council:

22 (a) Department of Parks and Recreation;

23 (b) Department of Development Control;

24 (c) Department of Facilities Maintenance and Management;

25 (d) Department of Road Traffic Services;

26 (e) Department of Urban Affairs.

27 (2) The functions, as well as the subdivisions of each of the
28 departments established in subsection (1) above, shall be as set out in the First
29 Schedule to this Act.

30 (3) The departments of the Council shall report to the Director-

Operational
Divisions

1 General, who shall oversee their operations on a day-to-day basis.

2 (4) For the effective conduct of the functions of the Council, the
3 Minister may issue regulations prescribing additional departments for the
4 Council or altering the departments listed in subsection (1) of this section in
5 any manner whatsoever.

6 (5) Notwithstanding the provisions of this section, the Board shall
7 have power to set up any committee to assist in the performance of its duties
8 and functions under this Act.

9 (6) A committee set up under subsection (5) of this section shall
10 consist of such number of persons as may be determined by the Board, and a
11 member of such committee shall hold office in the committee in accordance
12 with the terms of his appointment.

13 (7) A decision of any such committee shall not be effective unless
14 ratified by the Board.

15 PART II - FUNCTIONS AND POWERS

16 4.-(1) Subject to and without prejudice to the provisions of the Functions
17 Federal Capital Territory Act, the Council shall be responsible for the
18 following functions within the FCT:

19 (a) land use and control of development in the Territory, including
20 processing and approval of building plans for development and monitoring
21 and control of physical development;

22 (b) design, control and provision of parks, gardens and recreational
23 facilities and maintenance thereof;

24 (c) fire prevention and control;

25 (d) emergency preparedness and response;

26 (e) control of advertisements, including issuance of permits for
27 municipal, advertisements, bill boards, sign boards, etc.;

28 (f) street, naming and house numbering;

29 (g) management of markets within the metropolis, and

30 (h) general public facility management and maintenance.

1 (2) In discharging its general responsibility under subsection (1)
2 above, the Council shall:

3 (a) prepare plans for the management of all public facilities within the
4 FCT;

5 (b) in collaboration with the Federal Capital Development Authority,
6 manage, protect, maintain and improve public infrastructure and facilities and
7 all public buildings within the FCT that are necessary for the discharge of its
8 functions;

9 (c) levy user charges in connection with the provision of its services
10 and collect such charges or any other tariff that are necessary for the discharge
11 of its functions; and

12 (d) enter into agreement with any person for the supply, construction,
13 manufacture, maintenance or repair of any property whether movable or
14 immovable, which is necessary or appropriate for the purpose of the Council.

15 (3) The Minister may issue regulations adding to, deleting from or
16 altering in any manner whatsoever, the functions of the Council as listed in
17 subsection (1) of this section.

General Powers

18 5.-(1) The Council shall have the power to:

19 (a) do all things which by this Act or any other enactment are required
20 or permitted to be done by the Council;

21 (b) monitor any matter that may affect the functions of the Council;

22 (c) do anything that will ensure the advancement of the skills of
23 employees of the Authority or the equipment of the Council including the
24 provision of training facilities, education and general research;

25 (d) make, draw, accept or endorse negotiable instruments; and

26 (e) do such other acts as may appear to it reasonable, advantageous or
27 convenient, necessary or expedient for the full discharge of its functions under
28 this Act, either alone or in collaboration with any other person.

29 (2) Subject to any limitation imposed by law, the Council may
30 delegate any of its powers to any Member or official of the Authority and

1 authorize any such Member or official to perform any of its functions.

2 6. Subject to the approval of the Minister, the Council may from Power to Borrow
3 time to time, borrow by way of overdraft or otherwise, such sums as it may
4 require for the effective discharge of its functions under this Act.

5 7.-(1) The Council may accept any gift, grant or donation of land,
6 money or other property from any person upon such terms and conditions
7 (acceptable to the Council), if any, as may be specified by the person making
8 the gift or donation.

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

12 PART III - STAFF OF THE AUTHORITY

13 8.-(1) The President shall, upon the recommendation of the Director-General
14 Minister, appoint a Director-General as the Chief Executive Officer of the
15 Council.

16 (2) The Director-General shall hold office for the term specified in
17 subsection (5) of section 2 of this Act provided that, the said term may be
18 renewed for one or more term if the Minister deems it fit.

19 (3) The Director-General shall be responsible for the day-to-day
20 administration of the Council, keeping the books and records of the Council
21 and the execution of the policy and practice of the Authority and shall be
22 subject to the supervision and control of the Board.

23 (4) The Director-General shall hold office on such terms as to
24 emoluments and otherwise as may be specified in his letter of appointment.

25 9.-(1) The Council may from time to time, appoint such other Staff of the
Council
26 employees as it may deem necessary, to assist the Council in the
27 performance of its functions under this Act and without prejudice to the
28 generality of the foregoing, there shall be for each of the boards and
29 departments of the Council created under this Act, a Director who shall
30 report to the Director-General.

1 (2) The staff of the Council appointed under subsection (1) of this
2 section shall be appointed upon such terms and conditions of service as the
3 Council may, after consultation with the FCT Public Service Commission,
4 determine:

5 PROVIDED that the Minister may apply to the President for approval of the
6 application to the staff of the Council, of such improved and or preferred terms
7 and conditions of service as may be necessary.

8 (3) The power of the Council under subsection (1) of this section shall
9 include the power to:

10 (a) promote and control the staff of the Council as may appear to the
11 Council necessary or expedient; and

12 (b) dismiss, terminate, consider the resignation or withdrawal of
13 appointment and exercise disciplinary control over the staff of the Council,
14 other than the Director-General.

15 (4) The Council may delegate to the Director-General, generally or
16 specifically, the power to appoint such categories of staff of the Council as the
17 Council may from time to time specify.

18 (5) The staff of the Council shall be Public Officers of the FCT, as
19 defined in the FCT Public Service Commission Act.

20 (6) The Council may engage such consultants and advisers as it may
21 require for the effective discharge of its functions.

Staff Regulations

22 **10.-(1)** The Council may, subject to the provisions of this Act and in
23 consultation with FCT Public Service Commission, make staff regulations
24 relating generally to the conditions of service of its employees and without
25 prejudice to the generality of the foregoing, such regulations may provide for:

26 (a) the appointment, promotion and disciplinary control (including
27 dismissal) of the employees of the Council; and

28 (b) appeals by employees against dismissal on other disciplinary
29 measures.

30 (2) Pending the release of the regulations described in subsection (1)

1 of this section, the employment of the staff of the Council shall be governed
2 by the terms and conditions generally applicable to officers in the public
3 service of the FCT.

4 (3) Staff regulations issued by the Council under subsection (I) of
5 this section shall not have effect until approved by the Minister and
6 published in the Gazette.

7 PART IV - FINANCIAL PROVISIONS

8 11.-(1) The Council shall establish and maintain a fund ("the Fund of the
9 Fund") which shall consist of: Council

10 (a) the initial take-off grant from the FCT Administration;

11 (b) such sums as may be provided by the Federal Capital
12 Development Authority by way of annual subventions or otherwise;

13 (c) fees, fines and levies charged by the Council;

14 (d) income from any investments or other property acquired by or
15 vested in the Council;

16 (e) all other sums (whether as tariff or as user charges, or
17 otherwise) or other property which may in any manner become payable to or
18 vested in the Council in respect of its powers and duties or of any incidental
19 matter under this Law or by virtue of the provisions of any other' Law;

20 (f) subject to section 7 of this Act, all other sums accruing to the
21 Council by way of grants, gifts, testamentary dispositions, endowments,
22 bequests and donations made to the Council; and

23 (g) such other sum as may accrue from time to time to the Council.

24 (2) The Fund shall be managed in accordance with rules prescribed
25 by the Minister, provided the rules shall contain provisions—

26 (a) specifying the manner in which the assets of the fund are to be
27 held;

28 (b) regulating payments into the Fund and the matters to which the
29 assets of the Fund may be applied; and

30 (c) requiring the keeping of proper accounts and records for the

1 purpose of the Fund in such form as may be prescribed.

2 (3) The Council shall operate account with banks approved by the
3 Minister and the signatories to the account shall either be the Director-General
4 or his designated representative and the Head of accounts or any person duly
5 authorized by the Board in that behalf.

Annual estimates,
accounts and
audits

6 12.-(1) The Council shall, not later than 30 September in each year,
7 submit to the Minister an estimate of its expenditure and income (including
8 estimates of expected payments into the Fund) during the next succeeding year.

9 (2) The Council shall keep proper accounts in a form which conforms
10 to accepted accounting standards, and proper records in relation thereto and the
11 accounts shall be audited as provided in subsection (3) of this section.

12 (3) The accounts of the Council shall be audited at the end of each
13 calendar year by auditors appointed by the FCT Administration from the list
14 and in accordance with the Financial Guidelines and the fees of the auditors and
15 the expenses for the audit generally shall be paid from the Fund.

Annual reports

16 13. The Council shall, not later than 30 June in each year, submit to the
17 Minister, a report on the activities of the Authority and its administration
18 during the immediately preceding year and shall include in the report the
19 audited accounts of the Council and the auditors' report thereon.

20 PART V - REGULATIONS AND SUPPLEMENTARY PROVISIONS

Regulations

21 14.-(1) The Minister may make regulations for the effective operation
22 of this Act and the due administration thereof.

23 (2) Without prejudice to the generality of subsection (1) of this
24 section, the Minister may prescribe rates, tariffs and user charges from time to
25 time for the services rendered by the Council pursuant to this Act.

Obstruction of
the Councillor
its authorized
officers

26 15. Any person who:

27 (a) wilfully obstructs the Council or any authorised officer of the
28 Authority in the exercise of any of the powers conferred on the Council by this
29 Act;

30 (b) fails to comply with any lawful enquiry or requirements made by

1 an authorised officer in accordance with the provisions of this Act, shall be
2 guilty of an offence and shall be liable upon conviction to a fine not
3 exceeding Two Hundred Thousand Naira or imprisonment for a term not
4 exceeding two year or to both such fine and imprisonment.

5 **16.-(1)** No suit shall be commenced against the Council before the Pre-action notice
6 expiration of a period of one month after written notice of intention to
7 commence the suit shall have been served upon the Council by the intending
8 plaintiff or his agent and the notice shall clearly and explicitly state the:

- 9 (a) cause of action;
10 (b) particulars of claim;
11 (c) name and place of abode of the intending plaintiff; and
12 (d) relief which it claims from the cause of action.

13 (2) The notice referred to in subsection (1) of this section and any
14 summons, notice or other documents required or authorized to be served
15 upon the Council in connection with any suit by or against the Council shall
16 be served by delivery of same to the Director-General.

17 **17.** In any suit pending before a court, the Council may be Representation
in Court
18 represented in court at any stage of the proceedings by any employee of the
19 Council who shall satisfy the Court that he is duly authorized in writing by
20 the Council in that behalf.

21 **18.** Every Member, agent or staff of the Council shall be Indemnity for
employees of the
Council
22 indemnified out of the assets of the Council against any liability incurred by
23 him in defending any proceedings, whether civil or criminal, in which
24 judgment is given in his favour or in which he is acquitted if any such
25 proceeding is brought against him in his capacity as such Member, agent or
26 staff as aforesaid.

27 **19.-(1)** The Common Seal of the Council shall be such as may be Common Seal
28 determined by the Board.

29 (2) The Common Seal shall be authenticated by the signatures of
30 the Chairman and the Secretary or of any other members authorized

1 generally or specifically by the Board to act for that purpose.

2 (3) Any document purporting to be a document duly executed under
3 the Common Seal of the Authority shall be received in any Court and shall
4 unless the contrary is proved, be deemed to be so executed.

Interpretation

5 20. In this Act, unless the context otherwise requires:

6 “the Council” means the Abuja Metropolitan Management Council;

7 “the Board” means the governing board of the Council;

8 “Chairman” means the Chairman of the Board;

9 “Department” means a department established under this Bill;

10 “FCDA” means the Federal Capital Development Authority;

11 “FCT Administration” means the Federal Capital Territory Administration;

12 “Financial Guidelines” means the guidelines issued from time to time for the
13 accounting and financial reporting functions of the FCT by the Accountant-
14 General and Auditor General of the Federation or the Department of Treasury
15 and Audit in the FCT;

16 “the Fund” means the fund established for the Council pursuant to section 12;

17 “Director-General” means the Director -General of the Council;

18 “Member” means member of the Board of Directors of the Council;

19 “Minister” means the Minister of the Federal Capital Territory;

20 “Person” includes any individual, partnership, firm, company, corporation
21 (statutory or otherwise), joint venture, trust, association, organisation or other
22 entity, in each case whether or not having separate legal personality.

23 “Prescribe” means prescribe by regulations.

Short Title

24 21. This Act shall be cited as the Abuja Metropolitan Management
25 Council Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Abuja Metropolitan Management Council.