

FEDERAL CAPITAL TERRITORY AREA COUNCILS SERVICE COMMISSION
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY AREA COUNCILS SERVICE COMMISSION, AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL TERRITORY
2 AREA COUNCILS SERVICE COMMISSION

3 1.-(1) There is hereby established the Federal Capital Territory
4 Area Councils Service Commission (in this Act referred to as "the
5 Commission").

Establishment
of the Federal
Capital Territory
Area Councils
Service
Commission

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

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

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

11 2.-(1) There shall be for the Commission, Commissioners who are
12 called Members of the Commission (in this Act referred to as Members) that
13 shall be responsible for the discharge of the functions of the Commission.

Composition and
Membership of
the Commission

14 (2) The Members of the Commission shall consist of:

15 (a) a Chairman;

16 (b) not less than two and not more than four other persons.

17 (3) The Chairman shall be the Chief Executive and Accounting
18 Officer of the Commission and shall direct and supervise all administrative
19 and operational activities of the Commission.

20 (4) The Chairman and the other Members shall:

21 (a) be resident in the FCT;

- 1 (b) be persons of unquestionable integrity and of sound mind;
2 (c) have wide knowledge in Area Councils service administration
3 matters;
4 (d) have at least 15 years post-tertiary institution cognate experience
5 in Area Councils service administration;
6 (e) be appointed by the President on the recommendation of the
7 Minister.

Qualification
and Cessation of
Membership of
the Commission

- 8 3.-(1) notwithstanding the provisions of section 2 of the Act, a person
9 shall not be qualified or shall cease to hold office as a Member of the
10 Commission if-
11 (a) is not a citizen of Nigeria;
12 (b) is an undischarged bankrupt;
13 (c) he has committed a felony or any offence involving dishonesty or
14 fraud;
15 (d) is of unsound mind;
16 (e) is for one reason or the other incapable of carrying out his duties;
17 (f) is guilty of gross misconduct in relation to his duties of office;
18 (g) he holds office in any political party or political organization;
19 (h) he has, within the preceding 10 years, been removed from office as
20 a member of any of the bodies established by section 153 of the constitution of
21 the Federal Republic of Nigeria (as amended);
22 (i) he resigns his appointment by a letter addressed to the Minister;
23 (j) in the case of a person possessed of professional qualifications, he
24 is disqualified or suspended from practicing his profession in any part of the
25 world by an order of a competent authority made in respect of that member.
26 (2) Any person employed in the Area Councils Service of the
27 Federation or of a State shall not be disqualified for appointment as a Chairman
28 or Member of the Commission, provided that where such a person has been
29 duly appointed to the Commission, the person shall, upon accepting the
30 appointment, be deemed to have resigned or retired from his or her former

1 office as from the date of the appointment.

2 4.-(1) The Chairman and Members of the Commission shall hold Tenure of Office
3 office for a term of 4 years in the first instance and may be re-appointed for
4 another term of 4 years and no more.

5 (2) A Member of the Commission may be removed by the Minister,
6 if all the Members of the Commission and the Chairman are satisfied that it
7 is not in the interest of the Commission or in the interest of the public that the
8 Member continues in office.

9 (3) The President upon the recommendation of the Minister shall
10 remove any member of the Commission if the Member or the Chairman did
11 not comply with section 3 of this Act or for any other reason that is not for the
12 interest of the Area Councils service of the federation.

13 (4) A member of the Commission may resign his appointment at
14 any time by notice in writing under the member's name addressed to the
15 President through the Minister.

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

21 (6) Upon appointment of any Member or Chairman of the
22 Commission, he or she shall take and sign an oath of office before the
23 Minister.

24 5. The quorum for a meeting of the Members of the Commission Quorum
25 shall not be less than three members including the chairman or the person
26 presiding at the meeting pursuant to item two (2) of this schedule.

27 6. The remuneration and condition of service of the Chairman and Remuneration
and condition of
service members
28 Members of the Commission shall be determined by the Minister.

29 PART II - FUNCTIONS AND POWERS OF THE COMMISSION

30 7.-(1) the commission shall, without prejudice to the powers of the

1 President, have the duty:

2 (a) to appoint other staff and persons to offices in the Area Councils
3 service of the FCT;

4 (b) to dismiss and exercise disciplinary control over persons holding
5 any office referred to in sub-section (a) of this section;

6 (c) advice the Minister on policies relating to the Area Councils
7 service of the FCT on:

8 (i) The establishment or otherwise of any department or structure in
9 the Area Councils service of the FCT;

10 (ii) The administrative functions of departments in the Area Councils
11 service of the FCT;

12 (iii) The conditions of service of employees generally including the
13 ranks and grades of officers and employees;

14 (iv) The scales of salaries, emoluments, benefits, allowances of all the
15 various classes of officers and employees;

16 (v) The employment, appointment, promotions, transfers, discharge
17 and other career issues of Area Councils service in the FCT;

18 (vi) Capacity building and human resource management of the Area
19 Councils service in the FCT;

20 (vii) Strict adherence to the principles enshrined in the Constitution of
21 the Federal Republic of Nigeria;

22 (viii) Application of labour laws and relations in the Area Councils
23 service of the FCT;

24 (ix) Ensuring the efficiency and effectiveness of various departments
25 within the Area Councils service of the FCT;

26 (x) Ensuring that disciplinary measures are adhered to in the Area
27 Councils service of the FCT;

28 (xi) Information management and information technology in the Area
29 Councils service of the FCT;

30 (xii) Any other thing which in its opinion is to facilitate the

1 administrative performance of the Area Councils service in the FCT.

2 8.-(1) The Commission should have power to:

Powers of the
Commission

3 (a) give directives to officers and employees of the Area Councils
4 service of the FCT;

5 (b) make recommendations and conduct enquiries in relation to its
6 functions and duties under this Act;

7 (c) issue a code of conduct that will be applicable to officers and
8 employees of the Area Councils service of the FCT;

9 (d) provide advisory services to the officers and employees of the
10 Area Councils service of the FCT;

11 (e) prescribe the guidelines and procedures for recruitment,
12 appointment, promotion and transfer within the Area Councils service of the
13 FCT;

14 (f) prepare and distribute to officers and employees of the Area
15 Councils service of the FCT staff procedure manuals;

16 (g) publish and advertise any vacancy positions in the Area
17 Councils service of the FCT;

18 (h) provide staff evaluation advisory services;

19 (i) provide mechanisms for staff training and development
20 programmes;

21 (j) hear appeals on matters of appointment, promotion, transfer,
22 discipline and any other issue that may arise.

23 (k) do anything which in its opinion is calculated to facilitate the
24 performance and administrative functions under this Act;

25 (l) act independently without the directives or control of any other
26 authority or person(s) in exercising its powers to make appointments, to
27 exercise disciplinary actions or other actions the commission shall
28 undertake in exercising its powers under this Act;

29 (m) delegate or authorize any member of the Commission or any
30 officer or employee in the Area Councils service of the FCT to perform any

1 of its powers and functions under this Act;

2 (n) engage consultants and advisers as it may require for the effective
3 discharge of its functions.

Power to borrow

4 9.-(1) the Commission may, from time to time, borrow by overdraft or
5 otherwise such sum as it may require for the performance of its functions under
6 this Act.

7 (2) the Commission shall not, without the approval of the Minister,
8 borrow money which exceeds, at any time the amount set by the Minister.

9 (3) notwithstanding the provisions of sub-section (1) of this section,
10 where the sum to be borrowed is in foreign currency, the Commission shall not
11 borrow the sum without the prior approval of the Minister.

Power to accept
Gifts

12 10.-(1) The Commission may accept any gift of land, money or other
13 property in accordance with the law on such terms and conditions, if any, as
14 may be specified by the person or organization making the gift.

15 (2) The Commission shall not accept any gift if the conditions
16 attached by the person or organization offering the gift are inconsistent with the
17 functions of the Commission.

Investment

18 11. The Commission may, subject to the provisions of this Act and the
19 conditions of any trust created in respect of any property, invest all or any of its
20 fund in any security prescribed by the Trustee Investment Act or in such other
21 securities as may from time to time, be approved by the Minister.

Acquisition of
Land

22 12. the Commission may subject to the provisions of the Land Use
23 Act, acquire, hold, grant, charge or otherwise deal with any interest in land or
24 other property, for the purpose of providing offices and premises necessary for
25 the performance of its functions under this Act.

Power to obtain
information

26 13.-(1) For the purpose of carrying out the functions conferred on the
27 Commission under this Act, the Commission or any Member or any authorized
28 officer or employee of the Commission:

29 (a) shall have right of access to all the records and relevant
30 information of any staff of any agency, department and secretariat and all other

1 administrative units of the FCT to which this Act applies;

2 (b) may by notice in writing served on any person require that
3 person to furnish or cause to be furnished information on such matters as
4 may be specified in the notice necessary for the discharge of the functions
5 of the Commission.

6 (2) It shall be the duty of any person required to furnish information
7 pursuant to sub-section (1) of this section to comply with the notice within a
8 reasonable period of time.

9 PART III - SECRETARY AND OTHER STAFF OF THE COMMISSION

10 14.-(1) There shall be a Secretary for the Commission who shall be
11 appointed by the Minister on the recommendation of the Commission.

12 (2) The Secretary shall-

13 (a) be a senior officer of the Commission not below the rank of a
14 Deputy Director in the Area Councils service of the FCT;

15 (b) hold office for a term of 5 years in the first instance and may be
16 re-appointed for another term of 5 years and no more;

17 (c) be on such terms and conditions as to remuneration and other
18 conditions of services as approved by the Minister;

19 (d) be responsible for the execution of the policy and the day to day
20 administration of the Commission;

21 (e) keep the books and proper records of proceedings of the
22 Commission;

23 (f) conduct the correspondence of the Commission.

24 (g) perform such other functions and duties as the Commission or
25 the Chairman may, from time to time, direct.

26 15.-(1) The Commission shall have power to:

27 (a) appoint such number of staff and other employees as it may,
28 from time to time, deem necessary to assist the Commission in the discharge
29 of any of its functions under this Act.

30 (b) pay persons so employed such remuneration and allowances as

Other Staff of the
Commission

1 may be payable to other officers or employees of similar grade in the Area
2 Councils service of the FCT.

3 (2) The terms and conditions of employment applicable to officers
4 and employees of the Area Councils service of the FCT shall apply to the
5 employees and staff appointed by the Commission under sub-section (1) of this
6 section.

7 (3) The Commission may generally or specifically delegate to the
8 chairman, the power to appoint such categories of staff of the Area Councils
9 service of the FCT as the Commission may from time to time specify.

Pension

10 16.-(1) service in the Commission shall be approved service under the
11 provision of the Pension Reform Act and accordingly, staff and employees of
12 the commission shall be entitled to pensions, gratuities and other retirement
13 benefits as prescribed under the Pension Reform Act and are engaged by
14 persons holding equivalent offices in the Area Councils service of the
15 federation.

16 (2) Without prejudice to the provisions of sub-section (1) of this
17 section, nothing in this Act shall prevent the appointment of any person to any
18 office on terms which preclude the grant of pension, gratuity or other
19 retirement benefits with respect to that office.

20 PART IV - FINANCIAL PROVISIONS

Fund of the
Commission

21 17.-(1) The FCT Administration shall establish a fund for the FCT
22 Area Councils Service Commission and provision for the fund shall be made in
23 the annual budget of the FCT Administration.

24 (2) There shall be paid and credited to the fund, established pursuant
25 to sub-section (1) of this section:

26 (a) such monies as may be provided by the FCT Administration by
27 way of annual subvention or otherwise;

28 (b) such monies granted or deposited with the Commission by the
29 FCT Administration or anybody or institution within the country;

30 (c) such sums or other advances by way of loans;

1 (d) all monies raised for the purposes of the Commission by way of
2 gifts, grants-in-aid, testamentary dispositions or otherwise;

3 (e) such subvention or budgetary allocation from the Federal
4 Government;

5 (f) money earned or arising from any investment or other property
6 acquired or vested in the Commission;

7 (g) such monies as may from time to time accrue to the
8 Commission;

9 (h) all sums, investments or other property vested in the
10 Commission by virtue of this Act.

11 (3) The Commission shall defray from the fund all expenditures
12 incurred by it, including but not limited to:

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

14 (b) The remuneration and allowance of the members of the
15 Commission and any Committee set up by the Commission of such
16 expenses as may be expressly authorized by the Commission in accordance
17 with the rates approved by the Minister;

18 (c) the payment of salaries, remuneration, fees, allowances,
19 pensions and gratuities of the staff and employees of the Commission;

20 (d) the remuneration payable to agents and consultants of the
21 Commission;

22 (e) for the maintenance of any property vested in the Commission;

23 (f) such other sums as the Commission may approve in connection
24 with any of its functions under this Act.

25 18.-(1) The Commission shall not later than 30th day of September
26 in each year, submit to the Minister, an estimate of the income and
27 expenditure of the Commission (including estimates of expected payments
28 into the fund of the Commission) during the next succeeding year.

29 (2) The Commission shall keep proper records of accounts of each
30 year in a form which conforms to accepted accounting standards, and proper

1 records in relation thereto.

2 (3) The accounts of the Commission shall be audited at the end of each
3 calendar year by auditors appointed by the FCT Administration from a list and
4 in accordance with the guidelines supplied by the Auditor-General of the
5 Federation.

Annual Reports

6 **19.** The Commission shall, not later than six months after the end of
7 each year, submit to the Minister, a report on the activities of the Commission
8 and its administration during the immediately preceding year and shall include
9 in the report the audited accounts of the Commission and the auditor's report on
10 the accounts.

11 **PART V - ADMINISTRATION OF THE AREA COUNCILS SERVICE OF THE**
12 **FEDERAL CAPITAL TERRITORY**

Area Councils
Service Code

13 **20.-(1)** the Commission shall issue a Code of Conduct for the FCT
14 Area Councils service Commission, which may otherwise be termed the FCT
15 Area Councils Service Staff Code.

16 The Commission may from time to time amend same to reflect and supplement
17 the provisions of the Act.

18 (2) The FCT Area Councils Service Staff Code shall consist of
19 principles for the directive guidance, regulation and governance of the FCT
20 Area Councils service officers and employees.

21 (3) The provisions of the Area Councils service staff code shall be
22 binding upon any department, officer or employee of the Area Councils service
23 of the FCT in so far as they apply to that unit, department, officer or employee.

24 (4) The issues contained in the Area Councils Service Staff Code shall
25 not be inconsistent with the provisions of this Act or any regulations made
26 thereunder.

Board of Examiners

27 **21.-(1)** The commission shall set up such board of examiners as may
28 from time to time be required to test candidates for appointment or promotion
29 within the Area Councils service of the FCT.

30 (2) The Chairman of the Commission when sitting upon a board of an

1 examiners shall be the chairman of the board, and in other cases he shall send
2 a representative to be present at the interview, but the representative will not
3 be the chairman during such representation.

4 (3) The Board of Examiners shall stipulate its modus operandi
5 during interviews which may include:

6 (a) ensuring that appointments and promotions within the Area
7 Councils service of the FCT shall be based on principles of merit;

8 (b) establishing such standards for selection and assessment of
9 such officers and staff.

10 (c) conducting competitive written examination(s) or such other
11 competitive processes for selection, as the Commission may consider to be
12 appropriate for the best interest of the Area Councils service of the FCT;

13 (d) taking into cognizance the education, knowledge, experience,
14 language, residence and any other issue which in the opinion of the
15 commission, are necessary or desirable having regard to the nature of the
16 duties to be performed by the applicant(s).

17 (4) The Chief Executive Officer of any department or agency of the
18 FCT Administration in respect of which candidates for appointment or
19 promotion are examined by a board of examiners, may upon the
20 Commission's request, be present or designate a representative to be present
21 at such interview of any candidate.

22 (5) The Commission shall not discriminate against any person by
23 reason of national or ethnic origin, religion, age, sex, marital status, family
24 status, disability and under any circumstances whatsoever.

25 PART VI - REGULATIONS AND SUPPLEMENTARY PROVISIONS

26 REGULATIONS

27 22. The Minister may with the approval of the President, make
28 regulations for the effective operation of this Act and the due administration
29 thereof.

Interpretations

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23. In this Bill:

- (a) "Commission" means the FCT Area Councils Service Commission established by section 1 of this Act;
- (b) "FCT" means the Federal Capital Territory, Abuja;
- (c) "Member" means Commissioners of the Commission and includes the chairman;
- (d) "Minister" means the Minister for the time being charged with responsibility for the FCT under the Federal Capital Territory Act;
- (e) "President" means the President of the Federal Republic of Nigeria;
- (f) "Area Councils Service of the FCT" shall consist of persons who hold fixed or permanent appointments in the Area Councils service of the FCT and who receives funds wholly or part appropriated by the FCT Administration.

24. This Act may be cited as the Federal Capital Territory Area Councils Service Commission (Establishment) Bill, 2021.

FIRST SCHEDULE

PROCEEDINGS OF THE COMMISSION

(1) Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Commission may make standing orders regulating the proceedings of the Commission and an Committee thereof.

(2) If at any time, the office of the chairman is vacant or the chairman is in the opinion of the Commission permanent or temporarily unable to perform the function of the office, the Commission may appoint one of its Members to perform such functions from the period of the vacancy in the office of the chairman and references in this schedule to the chairman shall be construed according.

(3) Every meeting of the Commission shall be presided over by the

1 chairman and if the chairman is unable to attend a particular meeting, the
2 Members present at the meeting shall elect one of their Members to preside
3 at the meeting.

4 (4) Where upon any specific issue or occasion, the Commission
5 desires to obtain the advice of any person on any person on any particular
6 matter, the Commission may co-opt that person to be Member for as many
7 meetings as may be necessary, and that person while so co-opted shall have
8 all the rights and privileges of a Member, except that the person shall not be
9 entitled to vote or count towards a quorum.

10 *Committees*

11 (5) Subject to its standing orders, the Commission may appoint such
12 number of Standing ad-hoc Committees as it thinks fit to consider and report
13 on any matter with which the Commission is concerned.

14 (6) Every Committee appointed under the provisions of sub-
15 section (1) of this paragraph, shall be presided over by a Member of the
16 Commission and shall be made up of a number of persons, not necessarily
17 Members of the Commission, as the Commission may determine in each
18 case.

19 (7) The decision of the Committee shall have no effect until it is
20 confirmed by the Commission.

21 *Miscellaneous*

22 (8) The fixing of the seal of the Commission shall be authenticated
23 by the signature of the Chairman and the Secretary of the Commission or
24 such other Member authorized generally or specifically by the Commission
25 to act for that person.

26 (9) Any contract or instrument, which if made by a person not being
27 a body corporate, would not be required to be made under seal, may be made
28 or executed on behalf of the Commission by the Secretary or by any other
29 person generally or specifically authorized by the Commission to act for that
30 purpose.

1 (10) Any document purporting to be a contract, instrument or other
2 document signed or sealed on behalf of the Commission shall be received in
3 evidence and, unless the contrary is proved, be presumed, without further proof
4 to have been so signed or sealed.

5 (11) The validity of any proceedings of the Commission or a
6 Committee thereof, shall not be adversely affected by:

7 (a) Any vacancy in the Membership of the Commission;

8 (b) Any defect in the appointment of a Member of the Commission or
9 Committee;

10 (c) Reason that a person not entitled to do so, took part in the
11 proceedings.

12 (12) Any member of the Commission or a Committee thereof, who
13 has a personal interest in any contract or agreement entered into or proposed to
14 be considered by the Commission or Committee, shall forthwith disclose such
15 interest to the Commission or Committee and shall not vote on any question
16 relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal framework for the regulation of the employment and working conditions of Area Councils Staff within the FCT with a view to professionalizing the FCT Area Councils Service.