

FOREIGN SERVICE COMMISSION (ESTABLISHMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

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1 Act shall have effect with respect to the proceedings of the Governing Council  
2 and the other matters contained therein.

Tenure of office

3 3. The Chairman and members of the Governing Council, other than  
4 the ex-officio members, shall each hold office-

5 (a) for a term of 4 years in the first instance and may be re-appointed  
6 for a further term of 4 years and no more; and

7 (b) on such terms and conditions as may be specified in his letter of  
8 appointment.

Cessation of  
membership

9 4.-(1) A person shall cease to hold office as member of the Governing  
10 Council on the occurrence of any of the following-

11 (a) he resigns his appointment as a member of the Governing Council  
12 by notice, under his hand, addressed to the President;

13 (b) he becomes of unsound mind;

14 (c) he becomes bankrupt or makes a compromise with his creditors;

15 (d) he is convicted of a felony or of any offence involving dishonesty  
16 or corruption;

17 (e) he becomes incapable of carrying out the functions of his office  
18 either arising from an infirmity of mind or body; or

19 (f) the President is satisfied that it is not in the interest of the  
20 Commission or in the interest of the public for the person to continue in office  
21 and the President removes him from office.

22 (2) Where a vacancy occurs in the membership of the Governing  
23 Council, it shall be filled by the appointment of a successor to hold office for  
24 the remainder of the term of office of his predecessor, so however that the  
25 successor shall represent the same interest as his predecessor.

Allowances  
of members

26 5. The Chairman and members of the Board shall be paid such  
27 allowances and benefits as the Federal Government may, from time to time,  
28 approve.

Powers of the  
Council

29 6. The Governing Council shall-

30 (a) manage and superintend over the affairs of the Commission;

1 (b) make rules and regulations for the effective running of the  
2 Commission;

3 (c) employ and pay the staff of the Commission such  
4 remunerations and allowances as payable to persons in similar  
5 organizations in the country;

6 (d) enter into such contracts as may be necessary or expedient for  
7 the discharge of its functions and ensure the efficient performance of the  
8 functions of the Commission; and

9 (e) receive, disburse and account for funds of the Commission.

10 PART II - FUNCTIONS AND POWERS OF THE COMMISSION

11 7. The functions of the Commission are-

Functions of the  
Commission

12 (a) to appoint persons to offices in the foreign service of the  
13 federation;

14 (b) to exercise disciplinary control over persons holding offices;

15 (c) to ensure the training of diplomats and foreign affairs officials;

16 (d) to ensure the promotion and protection of Nigeria's national  
17 interest; and

18 (e) to carry out such other functions as the President may from time  
19 to time direct.

20 8. The Commission shall have power to do anything which will  
21 facilitate the carrying out of its functions.

Powers of the  
Commission

22 PART III - APPOINTMENT OF EXECUTIVE SECRETARY AND

23 OTHER STAFF

24 9. (1) There shall be for the Commission, an Executive Secretary,  
25 who shall be appointed by the President on the recommendation of the  
26 Minister.

Appointment  
of the Executive  
Secretary

27 (2) The Executive Secretary shall-

28 (a) have such qualifications and experience as are appropriate for a  
29 person required to perform the functions of that office under this Bill;

30 (b) hold office for a term of 5 years in the first instance and may be

1 re-appointed for another term of 5 years and no more;

2 (c) be responsible to the Governing Council for policy direction and  
3 the day-to-day administration of the Commission; and

4 (d) hold office on terms and conditions as may be contained in his  
5 letter of appointment.

Structure of the  
Commission

6 **10.**-(1) The Commission shall, with the approval of the Minister, have  
7 power to establish such departments to assist it in the performance of its duties  
8 and functions under this Bill.

9 (2) The Executive Secretary shall appoint Directors to head each  
10 department, established pursuant to subsection (1) of this section, and each  
11 Director shall have the requisite qualification and experience of not less than  
12 20 years as may be required for the effective implementation of the functions of  
13 their respective departments and the Commission under this Bill.

Appointment  
of other staff of  
the Commission

14 **11.**-(1) The Commission may, with the approval of the Governing  
15 Council, appoint such other staff or employees as, in the opinion of the  
16 Commission, may be expedient and necessary for the proper and efficient  
17 performance of its functions under this Bill.

18 (2) The terms and conditions of service (including remuneration,  
19 allowances, benefits and pensions) of the employees of the Commission shall  
20 be as determined by the Governing Council.

21 (3) The Commission shall have power to appoint either on transfer or  
22 on secondment from any public service in the Federation, such employees as  
23 may, in the opinion of the Commission, be required to assist the Commission in  
24 the discharge of any of its functions under this Bill, and shall have power to pay  
25 to persons so employed such remuneration (including allowances) as the  
26 Governing Council may, after consultation with the National Salaries and  
27 Wages Commission, determine.

Staff regulation

28 **12.**-(1) The Governing Council may, subject to the provisions of this  
29 Bill, make staff regulations relating generally to the conditions of service of the  
30 employees of the Commission and without prejudice to the generality of the

1 foregoing, such regulations may provide for-

2 (a) the appointment, promotion and disciplinary control (including  
3 dismissal) of employees of the Commission; and

4 (b) appeals by such employees against dismissal or other  
5 disciplinary measures, and until such regulations are made, any instrument  
6 relating to the conditions of service of officers in the public service of the  
7 Federation shall be applicable.

8 (2) Staff regulations made under subsection (1) of this section shall  
9 not have effect until approved by the Minister and when so approved they  
10 need not be published in the Federal Gazette but the Commission shall cause  
11 them to be brought to the notice of all affected persons in such manner as it  
12 may, from time to time, determine.

13 **13.** Service in the Commission shall be approved service for the Pensions  
14 purposes of pensions and accordingly, the officers, staff or employees of the  
15 Commission shall be entitled to pensions and other retirement benefits in  
16 accordance with the provisions of the Pension Reform Act.

#### 17 PART IV - FINANCIAL PROVISIONS

18 **14.**-(1) The Commission shall establish and maintain a fund from Fund of the  
19 which shall be defrayed all expenditure incurred by the Commission. Commission

20 (2) There shall be paid and credited to the fund established  
21 pursuant to subsection (1) of this section-

22 (a) all moneys by way of appropriation or grants from the Federal  
23 Government;

24 (b) all monies realized by way of fees and charges for services,  
25 fines, penalties, etc;

26 (c) donations, gift and grants from individuals or corporate  
27 organization at home or abroad.

28 (3) The fund shall be managed in accordance with the rules made  
29 by the Governing Council and without prejudice to the generality of the  
30 power to make rules under this subsection, the rules shall in particular

1 contain provisions-

2 (a) specifying the manner in which the assets or the fund of the  
3 Commission are to be held, and regulating the making of payments into and out  
4 of the fund; and

5 (b) requiring the keeping of proper accounts and records for the  
6 purpose of the fund in such form as may be specified in the rules.

Expenditure of  
the Commission

7 15. The Commission shall apply the proceeds of the fund established  
8 pursuant to section 14 of this Bill to-

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

10 (b) the payment of salaries, fees, remuneration, allowances, pensions  
11 and gratuities payable to the members of the Governing Council and the  
12 employees of the Commission, as the case may be;

13 (c) the payment for all consultancies, contracts, including  
14 mobilisation, fluctuations, variations, legal fees and cost on contract  
15 administration;

16 (d) the payment for all purchases; and

17 (e) undertake such other activities as are connected with all or any of  
18 the functions of the Commission under this Bill.

Power to accept  
gifts

19 16.-(1) The Commission may accept gifts of land, money or other  
20 property on such terms and conditions, if any, as may be specified by the person  
21 or organization making the gift.

22 (2) The Commission shall not accept any gift if the conditions  
23 attached by the person or organization making the gift are inconsistent with the  
24 functions of the Commission under this Bill.

Annual estimates  
and expenditure

25 17.-(1) The Commission shall, not later than 30th September in each  
26 year, submit to the National Assembly through the President an estimate of the  
27 expenditure and income of the Commission during the next succeeding year.

28 (2) The accounts of the Commission shall be audited not later than 2  
29 months after the end of each financial year by auditors appointed from the list



1 and in accordance with the guidelines supplied by the Auditor-General for  
2 the Federation.

3 18. The Commission shall prepare and submit to the National Annual reports  
4 Assembly and the President through the Minister not later than 2 months  
5 after the close of each financial year, a report on the activities of the  
6 Commission during the immediately preceding year, and shall include in the  
7 report a copy of the audited accounts of the Commission for that year and the  
8 auditor's report thereon.

9 PART V - MISCELLANEOUS PROVISIONS

10 19.-(1) Subject to the provisions of this Act, the provisions of the Limitation of  
11 Public Officers Protection Act shall apply in relation to any suit instituted  
12 against any officer or employee of the Commission. Commission, etc.

13 (2) Notwithstanding anything contained in any other enactment or  
14 law, no suit shall lie or be instituted in any court against any member of the  
15 Governing Council, the Executive Secretary or any other officer or  
16 employee of the Commission for any act done in pursuance or execution of  
17 this Bill or any other enactment or law, or of any public duty or authority in  
18 respect of any alleged neglect or default in the execution of this Bill or such  
19 enactment or law, duty or authority unless-

20 (a) it is commenced within 3 months next after the act, neglect or  
21 default complained of, or

22 (b) in the case of a continuation of damage or injury, within 6  
23 months next after the cessation thereof.

24 (3) No suit shall be commenced against a member of the Governing  
25 Council, the Executive Secretary, officer or employee of the Commission  
26 before the expiration of a period of one month after written notice of  
27 intention to commence the suit shall have been served upon the Commission  
28 by the intending plaintiff or his agent.

29 (4) The notice referred to in subsection (3) of this section shall  
30 clearly and explicitly state-

- 1 (a) the cause of action;
- 2 (b) the particulars of the claim;
- 3 (c) the name and place of abode of the intending plaintiff; and
- 4 (d) the relief which he claims.

Notices

5 **20.** A notice, summons or other documents required or authorized to  
6 be served upon the Commission under the provisions of this Bill or any other  
7 law or enactment may be served by delivering it to the Executive Secretary or  
8 by sending it by registered post and addressed to the Executive Secretary at the  
9 principal office of the Commission.

Power to make  
regulations

10 **21.** The Governing Council shall have power to make regulations  
11 generally for the effective implementation and operation of this Bill.

Interpretation

12 **22.** In this Act, unless the context otherwise requires-

13 "Chairman" means the Chairman of Foreign Service Commission Governing  
14 Board appointed pursuant to section 2 (1) of this Bill;

15 "Commission" means the Foreign Service Commission established under  
16 section 1 of this Bill;

17 "Executive Secretary" means the Executive Secretary of the Commission  
18 appointed pursuant to section 9(1) of this Bill;

19 "member" means a member of the Foreign Service Commission Governing  
20 Board appointed pursuant section 2(1) of this Bill and includes the Chairman;

21 "Minister" means the Minister charged with the responsibility for foreign  
22 affairs, and Ministry shall be construed accordingly.

Short title

23 **23.** This Bill may be cited as the Foreign Service Commission  
24 (Establishment, Etc.) Bill, 2019.

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## SCHEDULE

*Section 2(4)*SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING  
COUNCIL, ETC.*Proceedings of the Governing Council*

1.-(1) Subject to this Act and section 27 of the Interpretation Act, the Governing Council may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Governing Council shall be the Chairman, or the person presiding at the meeting and 4 other members of the Governing Council, and the quorum of any committee of the Governing Council shall be determined by the Governing Council.

2.-(1) The Governing Council shall meet not less than four times in each year and subject thereto, the Governing Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Governing Council to be held within 28 days from the date on which the notice is given.

(2) At any meeting of the Governing Council the Chairman shall preside but if he is absent, the members present shall appoint one of their number to preside at that meeting.

(3) Where the Governing Council desires to obtain the advice of any person on a particular matter, the Governing Council may co-opt him to the Governing Council for such period as it deems fit, but a person who is in attendance by virtue of this sub-section shall not be entitled to vote at any meeting of the Governing Council and shall not count towards a quorum.

*Committees*

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

1 (2) A committee appointed under this paragraph shall consist of such  
2 number of persons as may be determined by the Governing Council and a  
3 person shall hold office on the committee in accordance with the terms of his  
4 appointment.

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

7 *Miscellaneous*

8 4.-(1) The fixing of the seal of the Commission shall be authenticated  
9 by the signatures of the Chairman or any person generally or specifically  
10 authorized by the Governing Council to act for that purpose and the Executive  
11 Secretary.

12 (2) Any contract or instrument which, if made or executed by a person  
13 not being a body corporate, would not be required to be under seal, may be  
14 made or executed on behalf of the Commission by the Executive Secretary or  
15 any person generally or specifically authorized by the Governing Council to  
16 act for that purpose.

17 (3) Any document purporting to be a document duly executed under  
18 the seal of the Commission shall be received in evidence and shall, unless and  
19 until the contrary is proved, be presumed to be so executed.

20 5. The validity of any proceedings of the Governing Council or of a  
21 committee shall not be adversely affected by-

22 (a) a vacancy in the membership of the Governing Council or  
23 committee;

24 (b) a defect in the appointment of a member of the Governing Council  
25 or committee; or

26 (c) reason that a person not entitled to do so took part in the  
27 proceedings of the Governing Council or committee.

28 6. Any member of the Governing Council and any person sitting on  
29 the Governing Council or committee, who has a personal interest in any  
30 contract, arrangement or matter to be considered by the Governing Council

1       committee thereof shall forthwith disclose his interest to the Governing  
2       Council or committee and shall not vote on any question relating to the  
3       contract, arrangement or matter.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Foreign Affairs Commission and vest it with the responsibility for the recruitment, training, discipline, promotion of foreign service officers, and as well for the promotion and protection of Nigeria's national interest.

