

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY AREA COUNCILS SERVICE COMMISSION, AND FOR RELATED MATTERS, 2019 (HB. 975).

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

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
<p align="center">PART I — ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL TERRITORY AREA COUNCILS SERVICE COMMISSION</p> <p>Establishment, etc. of the Federal Capital Territory Area Councils Service Commission.</p> <p>1. (1) There is hereby established the Federal Capital Territory Area Councils Service Commission (in this Bill referred to as "the Commission").</p> <p>(2) The Commission shall be a body corporate with perpetual succession and a common seal and may:</p> <p style="padding-left: 40px;">(a) sue and be sued in its corporate name; and</p> <p style="padding-left: 40px;">(b) hold, acquire and dispose of any property or interest in property, moveable or immovable.</p>	Retained	
<p>Composition and membership of the Commission.</p> <p>2. (1) There shall be appointed for the Commission" Commissioners who are called members of the Commission (in this Bill referred to as members) that shall be responsible for the discharge of the functions of the Commission.</p> <p>(2) The Members of the Commission shall consist of:</p> <p style="padding-left: 40px;">(a) a Chairman;</p> <p style="padding-left: 40px;">(b) not less than two permanent members and not more than two other persons including representatives of the Area Council workers (NULGE).</p> <p>(3) The Chairman shall be the Chief Executive and Accounting Officer of the Commission and also Chairman FCT Area Council Staff Pension Board shall direct and supervise all administrative and operational activities of the Commission.</p> <p>(4) The Chairman and the other Members shall:</p> <p style="padding-left: 40px;">(a) be resident in the FCT;</p>	Retained	

<p>(b) be persons of unquestionable integrity and of sound mind;</p> <p>(c) have wide knowledge in Area Councils Service administration matters;</p> <p>(e) be appointed by the President on the recommendation of the Minister.</p>		
<p>Qualification and cessation of membership of the Commission.</p> <p>3. (1) Notwithstanding the provisions of section 2 of the Bill, a person shall not be qualified or shall cease to hold office as a Member of the Commission if —</p> <p>(a) is not a citizen of Nigeria;</p> <p>(b) is an undischarged bankrupt;</p> <p>(c) he has committed a felony or any offence involving dishonesty or fraud and or convicted by any competent court or duly constituted Authority;</p> <p>(d) has been found or adjourned to be of unsound mind;</p> <p>(e) is for one reason or the other incapable of carrying out his duties;</p> <p>(f) is guilty of gross misconduct in relation to his duties of office;</p> <p>(g) he holds office in any political party or political organization;</p> <p>(h) he has, within the preceding 10 years, been removed from office as a member of any of the bodies established by section 153 of the constitution of the Federal Republic of Nigeria (as amended);</p> <p>(i) he resigns his appointment by a letter addressed to the Minister;</p> <p>(j) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practicing his profession in any part of the World by an order of a competent authority made in respect of that member.</p> <p>(2) Any person employed in the Area Councils/Local Government Service or Public Service of the Federation or of a</p>	<p>Retained</p>	

<p>State shall not be disqualified for appointment as a Chairman or Member of the Commission, provided that where such a person has been duly appointed to the Commission, the person shall, upon accepting the appointment, be deemed to have resigned or retired from his or her former office as from the date of the appointment.</p>		
<p>Tenure of office.</p> <p>4. (1) The Chairman and members of the Commission shall hold office for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more.</p> <p>(2) A member of the Commission may be removed by the President on the recommendation of the Minister, if all the other members of the Commission and the Chairman are satisfied that it is not in the interest of the Commission or in the interest of the public that the Member continues in office.</p> <p>(3) The President upon the recommendation of the Minister shall remove any member of the Commission if the Member or the Chairman fails to meet the requirements under section 3 of this Bill or for any other reason that is not for the interest of the Area Councils Service of the Federal Capital Territory.</p> <p>(4) A member of the Commission may resign his appointment at any time by notice in writing under the member's hand, addressed to the President through the Minister.</p> <p>(5) If a member of the Commission dies or resigns or otherwise vacates the office before the expiration of the term for which he is appointed, the President shall within thirty days and from among three persons nominated by the Minister appoint fit and proper person for the remainder of the term of office of the predecessor.</p> <p>(6) Upon appointment of any member or Chairman of the Commission, he or she shall take and sign an oath of office before the Minister.</p>	<p>Retained</p>	
<p>Quorum.</p> <p>5. The quorum for a meeting of the Members of the Commission shall not be less than three members including the chairman or the person presiding at the meeting pursuant to section 2 (1) of this Bill.</p>	<p>Retained</p>	
<p>Remuneration and condition of service of members.</p> <p>6. The remuneration and condition of Service of the Chairman and Members of the Commission shall be determined by the Minister in consonance with the provision of the Revenue Mobilization, Allocation and Fiscal Commission Act.</p>	<p>Retained</p>	

**PART II — FUNCTIONS AND POWERS OF THE
COMMISSION**

Retained

Functions and Powers of the Commission.

7. (1) The commission without prejudice to the powers of the President and the Minister, shall have the duty:

(a) to appoint, promote and discipline Area Council, Staff Pension Board and FCT Councils Auditor General's Office (Staff of the Unified Service) on Salary Grade level 07 and above;

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

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

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

(ii) the administrative functions of departments in the Area Councils service of the FCT,

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

(iv) monitor the activities of each Area Council on appointment, discipline and promotion of Area Council employees on grade level 01-06 in order to ensure that the guidelines are strictly and uniformly adhered to;

(v) serve as an appellant body for all petitions from Area Councils in respect of appointments, promotion and discipline: the decision of the Board shall be binding on all Area Councils on appeal matters lodged with it;

(vi) capacity Building and Human Resource management of the Area Councils and the sister Agencies of Area Council staff Pension Board and FCT Area Councils' Auditor General's Office;

(vii) strict adherence to the provisions of the Constitution of the Federal Republic of Nigeria;

(viii) application of labor laws and relations in the Area Councils service of the FCT;

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

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

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

(xii) any other thing which in its opinion is to facilitate the administrative performance of the Area Councils service in the FCT;

(xiii) provide and maintain from time to time general uniform guidelines for appointment, promotion, training, pension and discipline for all employees of the Unified Service,

(xiv) the Establishment or otherwise of any department or structure in the Area Councils Service of the FCT;

(xv) the administrative functions of departments in Area Councils Service of the FCT;

(xvi) the Conditions of service of employees generally including the ranks and grades of officers and employees;

(xvii) the scales of salaries, emolument, benefits, allowances of all the various classes of officers and employees;

(xviii) maintain comprehensive and up to date seniority lists and nominal rolls, for the Area Council Service as a whole;

(xix) restructure and strengthen the Department of Personnel Management and thereafter constantly review and propose modification in operational structure of the Area Councils Unified Service;

(xx) transfer the services of any person or second any person to any office in the Unified Area

<p>Council Service;</p> <p>(xxi) retire, terminate, dismiss or exercise disciplinary control over persons holding such offices.</p>		
<p>Powers of the Commission.</p> <p>8. The Commission shall without prejudice to the Minister, have power to:</p> <p>(a) give directives to officers and employees of the Area Councils service of the FCT;</p> <p>(b) make recommendations and conduct enquiries in relation to its functions and duties under this Bill;</p> <p>(c) issue a code of conduct that will be applicable to officers and employees of the Area Councils service of the FCT;</p> <p>(d) provide advisory services to the officers and employees of the Area Councils service of the FCT;</p> <p>(e) prescribe the guidelines and procedures for recruitment, appointment, promotion and transfer within the Area Councils service of the FCT;</p> <p>(f) prepare and distribute to officers and employees of the Area Councils service of the FCT staff procedure manuals;</p> <p>(g) publish and advertise any vacancy positions in the Area Councils service of the FCT;</p> <p>(h) provide staff evaluation advisory services;</p> <p>(i) provide mechanisms for staff training and development programmes;</p> <p>(j) hear appeals on matters of appointment, promotion, transfer, discipline and any other issue that may arise;</p> <p>(k) do anything which in its opinion is calculated to facilitate the performance and administrative functions under this Bill;</p> <p>(l) act independently without the directives or control of any other authority or person(s) in exercising its powers to make appointments, to exercise disciplinary actions or other actions the commission shall undertake in exercising its powers under this Bill;</p>	<p>Retained</p>	

<p>(m) delegate or authorize any member of the Commission or any officer or employee in the Area Councils service of the FCT to perform any of its powers and functions under this Bill;</p> <p>(n) engage consultants and advisers as it may require for the effective discharge of its functions.</p>		
<p>Power to borrow.</p> <p>9. (1) The Commission may, from time to time, borrow by overdraft or otherwise such sum as it may require for the performance of its functions under this Bill.</p> <p>(2) The Commission shall not, without the approval of the Minister, borrow money which exceeds, at any time the amount set by the Minister.</p> <p>(3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Commission shall not borrow the sum without the prior approval of the Minister.</p>	<p>Retained</p>	
<p>Power to accept grants/donations.</p> <p>10. (1) The Commission may accept any grant or donation of land, money or other property or aid in Accordance with the law and upon such terms and conditions, if any, as may be specified by the person or organization making the grant/donation.</p> <p>(2) The Commission shall not accept any grant or donation if the conditions attached by the person or organization offering the grant or donation are inconsistent with the functions of the Commission.</p>	<p>Retained</p>	
<p>Investment.</p> <p>11. The Commission may subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its fund in any security prescribed by the Trustee Investment Act or in such other securities as may from time to time be approved by the Minister.</p>	<p>Retained</p>	
<p>Acquisition of land.</p> <p>12. The Commission may, subject to the provisions this Bill, acquire, hold, grant, charge or otherwise deal with any interest in land or other property, for the purpose of providing offices and premises necessary for the performance of its functions under this Bill.</p>	<p>Retained</p>	
<p>Power to obtain Information.</p> <p>13. (1) For the purpose of carrying out the functions conferred on the Commission under this Bill, the Commission or any</p>	<p>Retained</p>	

<p>Member or any authorized officer or employee of the Commission —</p> <p>(a) shall have right of access to all the records and relevant information of staff of any agency, department or administrative office of the Area Councils Service of FCT to which this Bill applies.</p> <p>(b) may by notice in writing served on any person require that person to furnish or cause to be furnished information on such matters as may be specified in the notice necessary for the discharge of the functions of the Commission.</p> <p>(2) It shall be the duty of any person required to furnish information pursuant to sub-section (1) of this section to comply with the notice within a reasonable period of time.</p>		
<p>PART III — SECRETARY AND OTHER STAFF OF THE COMMISSION</p> <p>Secretary and other staff of the Commission.</p> <p>14. (1) There shall be a Secretary for the Commission who shall be appointed by the Minister on the recommendation of the Commission.</p> <p>(2) The Secretary shall —</p> <p>(a) be a senior officer of the Commission not below the rank of a Deputy Director in the Area Councils service of the FCT;</p> <p>(b) hold office for a term of 5 years in the first instance and may be re-appointed for another term of 5 years and no more;</p> <p>(c) be on such terms and conditions as approved by Revenue Mobilization, Allocation and Fiscal Commission;</p> <p>(d) be responsible for administration, direction and control of the employees of the Commission;</p> <p>(e) be responsible for the execution of the policy and the day to day administration of the Commission;</p> <p>(f) shall be chief administrative adviser of the Commission.</p>	Retained	
<p>Other staff of the Commission.</p> <p>15. (1) The Commission shall have power to:</p> <p>(a) appoint such number of staff and other employees as it may, from time to time, deem necessary to assist the Commission in the discharge of any of its Functions</p>	Retained	

<p>under this Bill;</p> <p>(b) pay persons so employed such remuneration and allowances as may be payable to other officers or employees of similar grade in the Area Councils service of the FCT.</p> <p>(2) The terms and conditions of employment applicable to officers and employees of the Area Councils service of the FCT shall apply to the employees and Staff appointed by the Commission under subsection (1) of this section.</p> <p>(3) The Commission may generally or specifically delegate to the chairman, the power to appoint such categories of staff of the Area Councils service of the FCT as the Commission may from time to time specify.</p>		
<p>Pension.</p> <p>16. (1) Service in the Commission shall be approved service under the provision of the Pension Reform Act and accordingly, staff and employees of the Commission shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pension Reform Act and regulated by the FCT Staff Pension Board.</p> <p>(2) Without prejudice to the provisions of sub-section (1) of this section, nothing in this Bill shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.</p>	<p>Retained</p>	
<p>PART IV — FINANCIAL PROVISIONS, FUND OF THE COMMISSION</p> <p>Financial provisions, fund of the Commission.</p> <p>17. (1) The FCT Administration shall establish a fund for the FCT Area Councils Service Commission and provision for the fund shall be made in the annual budget of the FCT Administration.</p> <p>(2) There shall be paid and credited to the fund, established pursuant to sub-section (1) of this section:</p> <p>(a) such monies as may be provided by the FCT Administration by way of annual subvention or otherwise;</p> <p>(b) such monies granted or deposited with the Commission by the FCT Administration or anybody or institution within the country;</p>	<p>Retained</p>	

- (c) such sums or other advances by way of loans;
- (d) all monies raised for the purposes of the Commission by way of grant, grants-in-aid, testamentary dispositions or otherwise;
- (e) such subvention or budgetary allocation from the Federal Capital Territory and Federal Government of the Federation;
- (f) money earned or arising from any investment or other property acquired or vested in the Commission;
- (g) such monies as may from time to time accrue to the Commission;
- (h) all sums, investments or other property vested in the Commission by virtue of this Bill;
- (i) such monies accruing from the Area Council, 3% training contribution from the monthly Statutory Allocation of the Area Councils.

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

- (a) the cost of administration of the Commission;
- (b) the remuneration and allowance of the members of the Commission and any Committee set up by the Commission of such expenses as may be expressly authorized by the Commission in accordance with the rates approved by the Minister.
- (c) the payment of salaries, remuneration, fees, allowances, pensions and gratuities of the staff and employees of the Commission;
- (d) the remuneration payable to agents and consultants of the Commission;
- (e) for the maintenance of any property vested in the Commission;

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

Annual estimates and accounts.

Retained

18. (1) The Commission shall not later than 30th day of

<p>September in each year, submit to the Minister, an estimate of the income and expenditure of the Commission (including estimates of expected payments into the fund of the Commission) during the next succeeding year.</p> <p>(2) The Commission shall keep proper records of accounts of each year in a form which conforms to accepted accounting standards, and proper records in relation thereto.</p> <p>(3) The accounts of the Commission shall be audited at the end of each calendar year by the office of the Auditor General of the Federation.</p>		
<p>Annual reports.</p> <p>19. The Commission shall, not later than six months after the end of each year, submit to the Minister, a report on the activities of the Commission and its administration during the immediate preceding year and shall include internal audit report.</p>	Retained	
<p>PART V — ADMINISTRATION OF THE AREA COUNCILS SERVICE OF THE FEDERAL CAPITAL TERRITORY AREA COUNCILS SERVICE CODE</p> <p>Administration of the Area Councils Service of the Federal Capital Territory Area Councils Service Code.</p> <p>20. (1) Without prejudice to the provisions of the Public Service Rules and Extant Regulations, the Commission shall issue a Code of Conduct for the FCT Area Councils service Commission, which may otherwise be termed the FCT Area Councils Service Staff Code.</p> <p>(2) The Commission may from time to time amend same to reflect and supplement the provisions of the Bill.</p> <p>(3) The FCT Area Councils Service Staff Code shall consist of principles for the directive guidance, regulation and governance of the FCT Area Councils service officers and employees.</p> <p>(4) The provisions of the Area Councils service staff code shall be binding upon any department, officer or employee of the Area Councils service of the FCT in so far as they apply to that unit, department, officer or employee.</p> <p>(5) The issues contained in the Area Councils Service Staff Code shall not be inconsistent with the provisions of this Bill, the Public Service Rules or any regulations made thereunder.</p>	Retained	
<p>Board of examiners.</p> <p>21. (1) The Commission shall set up such board of examiners as may from time to time be required to test candidates for</p>	Retained	

<p>appointment or promotion within the Area Councils service of the FCT.</p> <p>(2) The Chairman of the Commission when sitting upon a board of examiners shall be the chairman of the board, and in other cases, he shall send a representative to be present at the interview, and in such other cases, the representative shall act as Chairman during such representation."</p> <p>(3) The Board of Examiners shall stipulate its modus operandi during interviews which may include:</p> <p>(a) ensuring that appointments and promotions within the Area Councils service of the FCT shall be based on principles of merit.</p> <p>(b) establishing such standards for selection and assessment of such officers and staff.</p> <p>(c) conducting competitive written examination(s) or such other competitive processes for selection, as the Commission may consider to be appropriate for the best interest of the Area Councils service of the FCT;</p> <p>(d) taking into cognizance the education, knowledge, experience, language, residence and any other issue which in the opinion of the commission, are necessary or desirable having regard to the nature of the duties to be performed by the applicant(s).</p> <p>(4) The Director of FCT Staff Pension Board, Auditor-General of FCT Area Councils or any affiliated or related agency or department to the Commission, in respect of which candidates for appointment or promotion are examined by a board of examiners, may upon the Commission's request, be present or designate a representative to be present at such interview of any candidate.</p> <p>(5) The Commission shall not discriminate against any person by reason of ethnicity, state of origin, religion, age, sex, marital status, family status, disability and or under any circumstances whatsoever.</p>		
<p>PART VI — REGULATIONS AND SUPPLEMENTARY PROVISIONS REGULATIONS</p> <p>Power to make regulations.</p> <p>22. The Minister may with the approval of the President, make regulations for the effective operation of this Bill and the due administration thereof.</p>	<p>Retained</p>	
<p>Interpretation.</p> <p>23. In this Bill:</p>	<p>Retained</p>	

<p>“Commission” means the FCT Area Councils Service Commission established under this Bill;</p> <p>“FCT” means the Federal Capital Territory, Abuja;</p> <p>“Member” means Commissioners of the Commission and includes the Chairman;</p> <p>“Minister” means the Minister charged with responsibility for the FCT under the Federal Capital Territory Act;</p> <p>“President” means the President of the Federal Republic of Nigeria;</p> <p>“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 receive funds wholly or in part appropriated by the FCT Administration.</p>		
<p>Citation.</p> <p>24. This Bill may be cited as the Federal Capital Territory Area Councils Service Commission (Establishment) Bill, 2019.</p>	<p>Retained</p>	
<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to establish the Federal Capital Territory Area Councils Service Commission to provide a legal framework for regulation of the employment and working conditions of the Area Councils staff with a view to professionalizing the Federal Capital Territory Area Councils Service and Related Matters.</p>	<p>Retained</p>	