

**FEDERAL CAPITAL TERRITORY CIVIL SERVICE COMMISSION
(ESTABLISHMENT) ACT, 2018**

EXPLANATORY MEMORANDUM

This Act establishes the Federal Capital Territory Civil Service Commission charged with the responsibility for appointment, promotion, discipline and transfer of civil servants within the Civil Service of the Federal Capital Territory, Abuja.

FEDERAL CAPITAL TERRITORY CIVIL SERVICE COMMISSION
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FEDERAL CAPITAL TERRITORY CIVIL SERVICE COMMISSION
(ESTABLISHMENT) ACT, 2018

A Bill

For

An Act to establish the Federal Capital Territory Civil Service Commission charged with the responsibility for appointment, promotion, discipline and transfer of civil servants within the Civil Service of the Federal Capital Territory, Abuja; and for related matters.

[] Commencement

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

PART I — ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY CIVIL
SERVICE COMMISSION

Establishment of the FCT
Civil Service Commission

1. (1) There is established the Federal Capital Territory (FCT) Civil Service Commission (in this Act referred to as "the Commission").

(2) The Commission is 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) There shall be for the Commission, Commissioners who shall be Members of the Commission (in this Act referred to as "Members") charged with the responsibility of the performance of the functions of the Commission.

Membership of the
Commission

(2) The Members of the Commission shall consist of -

(a) a chairman; and

(b) six other members representing each of the geo-political zones.

(3) The Chairman shall -

(a) be the Chief Executive Officer of the Commission; and

(b) direct and supervise all administrative and operational activities of the Commission.

(4) The Chairman and other Members shall -

(a) be resident in the FCT;

- (b) be persons of unquestionable integrity and of sound mind;
- (c) have wide knowledge in civil service administration matters;
- (d) have at least 25 years post-tertiary institution cognate experience in civil service administration;
- (e) be appointed by the President on the recommendation of the Minister; and
- (f) be retired public servants of the Federation not below Grade Level 16.

(5) The provisions in the Schedule to this Act shall have effect with respect to the proceedings of the Commission or its Committees and other matters mentioned in the Schedule.

Schedule.

3. (1) Notwithstanding the provisions of section 2, a person is not qualified or ceases to hold office as a Member of the Commission if the person -

Qualification and cessation of membership of the Commission

- (a) is not a citizen of Nigeria;
- (b) is an undischarged bankrupt;
- (c) has committed a felony or any offence involving dishonesty or fraud;
- (d) is of unsound mind;
- (e) is incapable of carrying out his duties;
- (f) is guilty of gross misconduct in relation to his duties;
- (g) holds office in any political party or political organisation;
- (h) has, within the preceding 10 years, been removed from office as a member of any of the bodies established under section 153 of the Constitution of the Federal Republic of Nigeria, 1999;
- (i) resigns his appointment by a letter addressed to the Minister; or
- (j) is, in the case of a person who possesses a professional qualification, disqualified or suspended from practicing the profession in any part of the world by an order of a competent authority made in respect of that Member.

(2) A person employed in the Civil Service of the Federation or State shall not be disqualified for appointment as a Chairman or Member of the Commission:

Provided that if such a person has been duly appointed to the Commission, the person shall, upon accepting the appointment, resigns or retires from his former office as from the date of the appointment.

4. (1) The Chairman and Members of the Commission shall hold office for a term of four years in the first instance and may be re-appointed for another term of four years and no more. Tenure of office.
- (2) A Member of the Commission may be removed by the Minister if all the Members of the Commission are satisfied that it is not in the interest of the Commission or public that the Member continues in office.
- (3) The President, upon the recommendation of the Minister, may remove any Member of the Commission if the Member or the Chairman did not comply with section 3 or for any other reason that is not in the interest of the Civil Service of the Federation.
- (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.
- (5) If a Member of the Commission dies, resigns or otherwise vacates office before the expiration of the term for which he is appointed, the President shall, within 30 days and from among three persons nominated by the Minister, appoint a fit and proper person for the remainder of the term of office of the predecessor.
- (6) Upon appointment of any Member of the Commission, he shall take the oath of office before the Minister.

5. The quorum for a meeting of the Members of the Commission shall be at least three Members including the Chairman or the person presiding at the meeting under paragraph 2, of the Schedule. Quorum.
Schedule.
6. The remuneration and conditions of service of the Chairman and Members of the Commission shall be determined by the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC). Remuneration and
condition of service of
Members

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall, without prejudice to the powers of the President - Functions
- (a) appoint staff and persons to offices in the Civil Service of the FCT;
- (b) dismiss and exercise disciplinary control over persons holding any office referred to in paragraph (a); and
- (c) advise the Minister on policies relating to the Civil Service of the FCT on:
- (i) the administrative functions of departments in the Civil Service of the FCT,

- (ii) the conditions of service of employees generally including the ranks and grades of officers and employees,
- (iii) the scales of salaries, emoluments, benefits, allowances of the various classes of officers and employees,
- (iv) the employment, appointment, promotions, transfers, discharge and other career issues of the Civil Service in the FCT,
- (v) strict adherence to the principles enshrined in the Constitution of the Federal Republic of Nigeria.
- (vi) application of labour laws and relations in the Civil Service of the FCT,
- (vii) ensuring that disciplinary measures are adhered to in the Civil Service of the FCT,
- (viii) information management and technology in the Civil Service of the FCT, and
- (ix) any other issue which in its opinion will facilitate the administrative performance of the Civil Service of the FCT.

8. The Commission may -

Powers of the Commission

- (a) give directives to officers and employees of the Civil Service of the FCT;
- (b) make recommendations and conduct enquiries in relation to its functions and duties under this Act;
- (c) issue a code of conduct that will be applicable to officers and employees of the Civil Service of the FCT;
- (d) provide advisory services to the officers and employees of the Civil Service of the FCT;
- (e) prescribe the guidelines and procedures for recruitment, appointment, promotion and transfer within the Civil Service of the FCT;
- (f) prepare and distribute staff procedure manuals to officers and employees of the Civil Service of the FCT;
- (g) publish and advertise any vacancy in the Civil Service of the FCT;
- (h) provide staff evaluation advisory services;

- (i) provide mechanisms for staff training and development programmes;
- (j) hear appeals on matters of appointment, promotion, transfer, discipline and any other issue that may arise;
- (k) do anything which in its opinion is calculated to facilitate the performance and administrative functions under this Act;
- (l) act independently without the directives or control of any other authority or person in exercising its powers to make appointments, to exercise disciplinary actions or other actions the commission shall undertake in exercising its powers under this Act;
- (m) delegate or authorise any member of the Commission or any officer or employee in the civil service of the FCT to perform any of its powers and functions under this Act; and
- (n) engage consultants and advisers as it may require for the effective performance of its functions.

9. (1) The Commission may, borrow by overdraft or otherwise such sum as it may require for the performance of its functions under this Act. Power to borrow

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

(3) Notwithstanding the provisions of subsection (1), where the sum to be borrowed is in foreign currency, the Commission shall not borrow the sum without the prior approval of the Minister.

10. (1) The Commission may accept gift of land, money or other property in accordance with the law on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gifts

(2) The Commission shall not accept a gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions of the Commission.

11. The Commission may, subject to the provisions of this Act and the conditions of 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. Investment
Cap. T22 LFN, 2004

12. The Commission may, subject to the provisions of the Land Use Act, 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 Act. Acquisition of land.
Cap. L5 LFN, 2004

13. (1) For the purpose of carrying out the functions conferred on the Commission under this Act, the Commission or any of its authorised officer or employee — Power to obtain information

(a) shall have right of access to all the records and relevant information of any staff of any agency, department, secretariat and all other administrative units of the FCT to which this Act applies; and

(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 duty of the Commission.

(2) A person required to furnish information under subsection (1) shall comply with the notice within a reasonable time.

PART III — SECRETARY AND OTHER STAFF OF THE COMMISSION

14. (1) There shall be a Secretary for the Commission who shall be appointed by the Minister. Secretary

(2) The Secretary shall —

(a) be a senior officer of the Commission not below the rank of a Director in the Civil Service of the FCT and shall be the Chief Accounting Officer;

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

(c) be on such terms as to remuneration and other service as may be approved by the Minister;

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

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

(f) conduct the correspondence of the Commission; and

(g) perform such other functions and duties as the Commission or the Chairman may direct.

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

Other staff of the Commission

(a) appoint such number of staff and other employees as it may deem necessary to assist the Commission in the discharge of any of its duty under this Act; and

(b) pay staff and other employees such remuneration and allowances as may be payable to other officers or employees of similar grade in the Civil Service of the FCT.

(2) The terms and conditions of employment applicable to staff and employees of the Civil Service of the FCT shall apply to the employees and staff appointed by the Commission under subsection (1).

(3) The Commission may delegate to the Chairman, the power to appoint such categories of staff of the Civil Service of the FCT as the Commission may specify.

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.

Pension
Act No.6 2014

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

PART IV — FINANCIAL PROVISIONS

17. (1) The FCT Administration shall establish a fund for the Commission (in this Act referred to as "the Fund") and provision for the Fund shall be made in the annual budget of the FCT Administration.

Fund of the Commission

(2) There shall be paid and credited to the Fund –

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

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

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

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

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

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

(g) such monies as may accrue to the Commission; and

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

(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 authorised 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 Commissions;
- (d) the remuneration payable to agents and consultants of the Commission;
- (e) the maintenance of any property vested in the Commission; and
- (f) such other sums as the Commission may approve in connection with any of its functions under this Act.

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

Annual estimates and accounts

(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.

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

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 in the report the audited accounts of the Commission and the auditor's report on the accounts.

Annual reports

PART V — ADMINISTRATION OF THE CIVIL SERVICE OF THE FEDERAL CAPITAL TERRITORY

20. (1) The Commission shall issue a Code of Conduct for the FCT Civil Service Commission (in this Act referred to as "the FCT Civil Service Staff Code") and the Commission may amend same to reflect and supplement the provisions of this Act.

Civil Service Code

(2) The FCT Civil Service Staff Code shall consist of principles for the directive guidance, regulation and governance of the FCT Civil Service staff and employees.

- (3) The provisions of the FCT Civil Service Staff Code shall be binding on any department, staff or employee of the Civil Service of the FCT in so far as they apply to that unit, department, staff or employee.
- (4) The issues contained in the FCT Civil Service Staff Code shall not be consistent with the provisions of this Act or any regulation made under this Act.
21. (1) The Commission shall set up a Board of Examiners (the Board) as may be required to test candidates for appointment or promotion within the Civil Service of the FCT. Board of examiners
- (2) The Chairman of the Commission, when sitting upon a meeting of the Board, shall be the Chairman of the Board, and in other cases he shall send a representative to be present at the interview, but the representative will not be the Chairman during such representation.
- (3) The Board shall stipulate its guidelines during interviews which may include -
- (a) ensuring that appointments and promotions within the Civil Service of the FCT shall be based on principles of merit and Federal Character;
 - (b) establishing such standards for selection and assessment of staff and employees;
 - (c) conducting a competitive written examination or such other competitive processes for selection, as the Commission may consider appropriate in the best interest of the Civil Service of the FCT; and
 - (d) taking into cognisance the education, knowledge, experience, language, residence which, in the opinion of the Commission, are necessary or desirable having regard to the nature of the duties to be discharged by the applicant.
- (4) The Chief Executive Officer of any department or agency of the FCT Administration 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.
- (5) The Commission shall not discriminate against any person by reason of national or ethnic origin, religion, age, sex, marital status, family status, disability under any circumstance.

PART VI — REGULATIONS AND SUPPLEMENTARY PROVISIONS

22. The Minister may, with the approval of the President, make regulations for the effective operation of this Act and the due administration of the Commission. Regulations
23. In this Act - Interpretation

"Civil Service of the FCT" means a body of persons who hold fixed or permanent appointments in the Civil Service of the FCT and receive funds wholly or partly appropriated by the FCT Administration "FCT" means the Federal Capital Territory, Abuja;

"Commission" means the FCT Civil Service Commission established by section 1 (1) of this Act;

"Member" means Commissioners of the Commission and includes the Chairman;

"Minister" means the Minister of the Federal Capital Territory Act, Abuja; and

"President" means the President of the Federal Republic of Nigeria.

24. This Act may be cited as the Federal Capital Territory Civil Service Commission (Establishment) Act, 2018. Citation

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 Committee. Cap I23 LFN, 2004
2. If at any time, the office of the Chairman is vacant or the Chairman is, in the opinion of the Commission, permanently or temporarily unable to perform the functions 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 accordingly.
3. Every meeting of the Commission shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the Members present at the meeting shall elect one of their Members to preside at the meeting.
4. Where, upon any specific issue or occasion, the Commission desires to obtain the advice of any person or on a particular matter, the Commission may co-opt that person to be a Member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a Member, except that the person shall not be entitled to vote or count towards a quorum.

Committees

5. Subject to its standing orders, the Commission may set up such number of Standing ad-hoc Committees as it deems fit to consider and report on any matter with which the Commission is concerned.
6. Every Committee set up under the provisions of paragraph 5, shall be presided over by a Member of the Commission and shall be made up of a number of persons, not necessarily Members of the Commission, as the Commission may determine in each case.
7. The decision of the Committee shall have no effect until it is confirmed by the Commission.

Miscellaneous

8. The affixing of the seal of the Commission shall be authenticated by the signature of the Chairman and the Secretary of the Commission or such other Member authorised generally or specifically by the Commission to act for that purpose.
9. Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Commission by the Secretary or by any other person generally or specifically authorised by the Commission to act for that purpose.

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

11. The validity of any proceedings of the Commission or a Committee, shall not be adversely affected by -

(a) any vacancy in the membership of the Commission;

(b) any defect in the appointment of a Member of the Commission or Committee; or

(c) reason that a person not entitled to do so took part in the proceedings.

12 A member of the Commission or a Committee, who has a personal interest in any contract or agreement entered into or proposed to be considered by the Commission or Committee, shall disclose such interest to the Commission or Committee and shall not vote on any question relating to the contract or arrangement.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

18th DAY OF JULY, 2018

Schedule to the Federal Capital Territory Civil Service Commission (Establishment) Bill, 2018

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Federal Capital Territory Civil Service Commission (Establishment) Bill, 2018.	An Act to establish the Federal Capital Territory Civil Service Commission charged with the responsibility for appointment, promotion, discipline and transfer of civil servants within the Civil Service of the Federal Capital Territory, Abuja; and for related matters.	This Bill establishes the Federal Capital Territory Civil Service Commission charged with the responsibility for appointment, promotion, discipline and transfer of civil servants within the Civil Service of the Federal Capital Territory, Abuja.	3 rd May, 2018	2 nd June, 2016

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

YMOB
PROF. YEMI OSINBAJO, SAN, GCON
 Acting President of the Federal Republic of Nigeria
 17th Day of August, 2018

I ASSENT

hahaf
MUHAMMED ATABA SANI-OMOLORI
 Clerk to the National Assembly
 18th Day of July, 2018

MUHAMMADU BUHARI, GCFR
 President of the Federal Republic of Nigeria
 Day of July, 2018

ASAS
2018