HB. 434 FEDERAL PARASTATALS SERVICE COMMISSION (ESTABLISHMENT, ETC.) BILL, 2010.

ARRANGEMENT OF CLAUSES

Clause:

1. Establishment of the Commission
2. Functions of the Commission
3. Appointment, tenure and removal of members of the Governing Board
4. Appointment of a Secretary and other staff of the Commission
5. Conditions of service
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SCHEDULE

C1889

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL PARASTATALS SERVICE COMMISSION CHARGED WITH THE RESPONSIBILITY FOR THE APPOINTMENT, PROMOTION AND DISCIPLINE OF SENIOR CADRE STAFF FROM GL 07 -17; AND FOR RELATED MATTERS

Sponsored by HON. RUFUS OMEIRE

Commence-ment.

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

Establishment of the Commission.

11.—(1) There is established the Federal Parastatals Service Commission (in this Bill referred to as "the Commission").

(2) The Commission—

(a) shall be a body corporate with perpetual succession and a common seal, and

(b) may sue and be sued in its corporate name.

Functions of the Commission.

2.—(1) The Commission shall—

(a) formulate and implement guidelines for its functions;

(b) appoint persons into the senior cadre, from levels 07 -17 based on the vacancies submitted to it by the parastatals;

(c) have regard to federal character principles when making all appointments into the parastatals;

(d) ratify all appointments into offices of the Federal parastatals;

(e) promote, transfer, and confirm such appointments;

(f) dismiss and exercise disciplinary control over persons holding or acting in such offices through the various committees set up by the Commission;

(g) keep records of all the staff of the Federal parastatals.

(2) The Secretary shall—

(a) be the Secretary to the Board;

(*b)* keep all records of the Commission;

(c) conduct all correspondences;

(c!) be the Head of the Secretariat; and

(e) carry out any other assignment given to him by the Board or the Chairman.

Conditions of Service.

5.—(1) The Commission shall develop and submit to the President for approval appropriate conditions of service in relation to remunerations, fringe benefits, pension scheme and other benefits which would enable the Commission attract and retain high quality manpower.

(2) Subject to the provisions of the Pension Reforms Act, service in the commission shall be approved service for the purposes of the Act and persons employed in the Commission shall in respect of their services in the Commission. be entitled to pensions and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

Funds of the Commission.

6.—(1) There is established for the Commission a fund into which shall be paid such:

(a) moneys provided by the Federal Government;

(b) aids, donations or grants that may be received by the Commission; and

(c) interest as may accrue to the Commission from its investment.

(2) The Fund of the Commission shall be applied for payment of:

(a) the expenses, charges, obligations and liabilities incurred or undertaken by the Commission in the performance of its functions and the exercise of its powers; and

(b) remunerations and allowances provided under this Bill.

Annual report, estimates, accounts and audit.

7.—(1) The Commission shall, on or before 1 st January each year, prepare and present to the President a report of its proceedings and operation during the period of twelve months ending on 31 st December of the preceding year, and the report shall be accompanied by a certified copy of the audited accounts of the Commission for that period.

(2) Subject to the approval of the President, the Chairman shall lay such report together with the audited accounts before the Federal Executive Council for consideration.

(3) The Commission shall keep proper accounts in a form which conforms with accepted standards of its receipts, payments, assets and liabilities and shall submit same annually for audit by auditors appointed from the list of auditors as approved by the Auditor-General of the Federation.

Powers of the Commission to enter into contracts.

8.—(1) The Commission may enter into contracts as may be necessary or expedient for giving effect to the provisions of this Bill.

(2) Subject to the approval of the Board, the Commission may acquire and hold such movable or immovable property as may be necessary or expedient for giving effect to the provisions of this Bill and may for the same purpose, sell, lease, mortgage or otherwise alienate or dispose of any property so acquired and held.

Legal proceedings.

9.—(1) A suit shall not commence against the Commission before the expiration of a period of 30 days after a written notice of intention to commence the suit shall have been served on the Commission by the intending plaintiff or his agent and the notice shall clearly and explicitly state the:

(a) cause of action;

(b) particulars of the claim;

(c) name and place of abode of the intending plaintiff; and

(d) relief which he claims.

(2) The notice referred to in subsection (1) of this section and any summons, in connection with the suit by or against or authorized to be served on the Commission in connection with a suit by or against the commission, may be served by:

(a) delivery to the Chairman or;

(b) sending it by registered post addressed to the head office of the Commission.

Regulations

10. The Board may make regulations generally for the purpose of giving effect to the provisions of this Bill.

Interpretation.

11. In this Bill:

"member" means a member of the Board appointed under section 3 (4) of this Bill and includes the Chairman; and

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

Citation.

12. This Bill may be cited as the Federal Parastatals Service Commission (Establishment, etc.) Bill, 2010.

SCHEDULE

Section3(8)

SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

1.—(1) Subject to this Bill and section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceeding or those of any of its committees.

(2) The quorum of the Commission shall be 6 members and the quorum of any committee of the Commission shall be determined by the Commission.

2.—(1) The Commission shall meet not less than 4 times in each year and whenever it is summoned by the Chairman,

(2) Where he IS required to summon a meeting under subparagraph (1), the Chairman shall be given a notice by not less than 3 members and the meeting shall be held within 14 days from the date on which the notice is given.

(3) The Chairman shall preside at any meeting of the Commission but if he is absent, the members present at the meeting shall appoint one of them to preside at _that meeting.

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

3.—(1) The Commission may set-up one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine.

(2) A committee set-up under subparagraph (1) shall consist of such number of persons (not necessarily members of the Commission) as may be determined by the Commission and shall hold office on the committee in accordance with the terms of their appointment.

(3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.

Miscellaneous

4.—(1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman, the Secretary or any other person authorized generally or specifically to act for that purpose by the Commission.

(2) A contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Chairman, Secretary or any person generally or specifically authorized to act for that purpose by the Commission.

(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be

presumed to be so executed.

(4) The validity of any proceeding of the Commission or of a committee shall not be adversely affected by:

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

(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 of the Commission or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Parastatals Service Commission, for the recruitment of persons into various offices in the Federal Government parastatals in accordance with federal character principles and to confirm, promote, discipline, and transfer persons holding or acting in such offices.