

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FOREIGN SERVICE COMMISSION; TO VEST IT WITH THE RESPONSIBILITY FOR THE RECRUITMENT, TRAINING DISCIPLINE, AND PROMOTION OF FOREIGN SERVICE OFFICERS; AND FOR RELATED MATTERS

Sponsors:

Hon. Benjamin Okezie Kalu	Hon. Khadija Bukar Ibrahim
Hon. Chinedu Obika	Hon. Abdullahi Kalambaina
Hon. Ibe Okwara-Osonwa	Hon. Tolulope Akande-Sadipe
Hon. Boma Goodhead	

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FOREIGN SERVICE COMMISSION, ETC.

2 1.-(1) There is hereby established a body to be known as the Establishment of
3 Foreign Service Commission (in this Bill referred to as "the Commission"). the Foreign Service
Commission

4 (2) The Commission-

5 (a) shall be a body corporate with perpetual succession and a
6 common seal;

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

8 (c) may acquire, hold and dispose of property whether moveable or
9 immoveable.

10 2.-(1) There is hereby established a Governing Council for the Establishment
11 Commission (in this Act referred to as "the Governing Council") which shall of Governing
Council
12 consist o -

13 (a) a Chairman;

14 (b) six persons to represent the six geo-political zones; and

15 (c) the Executive Secretary of the Commission.

	1	(2) The Chairman and members of the Governing Council, other than
	2	the Executive Secretary, shall be part-time members.
	3	(3) The Chairman and the members of the Governing Council shall be
	4	appointed by the President on the recommendation of the Minister.
	5	(4) The supplementary provisions set out in the Schedule to this Act
	6	shall have effect with respect to the proceedings of the Governing Council and
	7	the other matters contained therein.
Tenure of office	8	3. The Chairman and members of the Governing Council, other than
	9	the ex-officio members, shall each hold office-
	10	(a) for a term of 4 years in the first instance and may be re-appointed
	11	for a further term of 4 years and no more; and
	12	(b) on such terms and conditions as may be specified in his letter of
	13	appointment.
Cessation of Membership	14	4.-(1) A person shall cease to hold office as member of the Governing
	15	Council on the occurrence of any of the following-
	16	(a) he resigns his appointment as a member of the Governing Council
	17	by notice, under his hand, addressed to the President; or
	18	(b) he becomes of unsound mind; or
	19	(c) he becomes bankrupt or makes a compromise with his creditors; or
	20	(d) he is convicted of a felony or of any offence involving dishonesty
	21	or corruption; or
	22	(e) he becomes incapable of carrying out the functions of his office
	23	either arising from an infirmity of mind or body; or
	24	(f) the President is satisfied that it is not in the interest of the
	25	Commission or in the interest of the public for the person to continue in office
	26	and the President removes him from office.
	27	(2) Where a vacancy occurs in the membership of the Governing
	28	Council, it shall be filled by the appointment of a successor to hold office for
	29	the remainder of the term of office of his predecessor, so however that the
	30	successor shall represent the same interest as his predecessor.

1	5. The Chairman and members of the Board shall be paid such	Allowances of
2	allowances and benefits as the Federal Government may, from time to time,	Members
3	approve.	
4	6. The Governing Council shall-	Powers of the
5	(a) manage and superintend over the affairs of the Commission;	Council
6	(b) make rules and regulations for the effective running of the	
7	Commission;	
8	(c) employ and pay the staff of the Commission such	
9	remunerations and allowances as payable to persons in similar	
10	organizations in the country;	
11	(d) enter into such contracts as may be necessary or expedient for	
12	the discharge of its functions and ensure the efficient performance of the	
13	functions of the Commission; and	
14	(e) receive, disburse and account for funds of the Commission.	
15	PART II - FUNCTIONS AND POWERS OF THE COMMISSION	
16	7. The functions of the Commission are-	Functions of the
17	(a) to appoint persons to offices in the foreign service of the	Commission
18	federation;	
19	(b) to exercise disciplinary control over persons holding offices;	
20	(c) to ensure the training of diplomats and foreign affairs officials;	
21	(d) to ensure the promotion and protection of Nigeria's national	
22	interest; and	
23	(e) to carry out such other functions as the President may from time	
24	to time direct.	
25	8. The Commission shall have power to do anything which will	Powers of the
26	facilitate the carrying out of its functions.	Commission
27	PART III - APPOINTMENT OF EXECUTIVE SECRETARY AND OTHER STAFF	
28	9.- (1) There shall be for the Commission, an Executive Secretary,	Appointment of
29	who shall be appointed by the President on the recommendation of the	the Executive
30	Minister.	Secretary

- 1 (2) The Executive Secretary shall-
- 2 (a) have such qualifications and experience as are appropriate for a
- 3 person required to perform the functions of that office under this Bill;
- 4 (b) hold office for a term of 5 years in the first instance and may be re-
- 5 appointed for another term of 5 years and no more;
- 6 (c) be responsible to the Governing Council for policy direction and
- 7 the day-to-day administration of the Commission; and
- 8 (d) hold office on terms and conditions as may be contained in his
- 9 letter of appointment.

Structure of
the Commission

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

- 13 (2) The Executive Secretary shall appoint Directors to head each
- 14 department, established pursuant to subsection (1) of this section, and each
- 15 Director shall have the requisite qualification and experience of not less than
- 16 20 years as may be required for the effective implementation of the functions of
- 17 their respective departments and the Commission under this Bill.

Appointment
of other staff
of the Commission

- 18 **11.**-(1) The Commission may, with the approval of the Governing
- 19 Council, appoint such other staff or employees as, in the opinion of the
- 20 Commission, may be expedient and necessary for the proper and efficient
- 21 performance of its functions under this Bill.

- 22 (2) The terms and conditions of service (including remuneration,
- 23 allowances, benefits and pensions) of the employees of the Commission shall
- 24 be as determined by the Governing Council.

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

1 Wages Commission, determine.

2 **12.**-(1) The Governing Council may, subject to the provisions of Staff regulations
3 this Bill, make staff regulations relating generally to the conditions of
4 service of the employees of the Commission and without prejudice to the
5 generality of the foregoing, such regulations may provide for-

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

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

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

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

21 **PART IV - FINANCIAL PROVISIONS**

22 **14.**-(1) The Commission shall establish and maintain a fund from Fund of the
23 which shall be defrayed all expenditure incurred by the Commission. Commission

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

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

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

30 (c) donations, gift and grants from individuals or corporate

	1	organization at home or abroad.
	2	(3) The fund shall be managed in accordance with the rules made by
	3	the Governing Council and without prejudice to the generality of the power to
	4	make rules under this subsection, the rules shall in particular contain
	5	provisions-
	6	(a) specifying the manner in which the assets or the fund of the
	7	Commission are to be held, and regulating the making of payments into and out
	8	of the fund; and
	9	(b) requiring the keeping of proper accounts and records for the
	10	purpose of the fund in such form as may be specified in the rules.
Expenditure of the Commission	11	15. The Commission shall apply the proceeds of the fund established
	12	pursuant to section 14 of this Bill to-
	13	(a) the cost of administration of the Commission;
	14	(b) the payment of salaries, fees, remuneration, allowances, pensions
	15	and gratuities payable to the members of the Governing Council and the
	16	employees of the Commission, as the case may be;
	17	(c) the payment for all consultancies, contracts, including
	18	mobilisation, fluctuations, variations, legal fees and cost on contract
	19	administration;
	20	(d) the payment for all purchases; and
	21	(e) undertake such other activities as are connected with all or any of
	22	the functions of the Commission under this Bill.
Power to accept gift	23	16.-(1) The Commission may accept gifts of land, money or other
	24	property on such terms and conditions, if any, as may be specified by the person
	25	or organization making the gift.
	26	(2) The Commission shall not accept any gift if the conditions
	27	attached by the person or organization making the gift are inconsistent with the
	28	functions of the Commission under this Bill.
Annual estimates and expenditure	29	17.-(1) The Commission shall, not later than 30th September in each
	30	year, submit to the National Assembly through the President an estimate of the

1 expenditure and income of the Commission during the next succeeding year.

2 (2) The accounts of the Commission shall be audited not later than
3 2 months after the end of each financial year by auditors appointed from the
4 list and in accordance with the guidelines supplied by the Auditor-General
5 for the Federation.

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

12 **PART V - MISCELLANEOUS PROVISIONS**

13 **19.-(1)** Subject to the provisions of this Act, the provisions of the Limitation of
14 Public Officers Protection Act shall apply in relation to any suit instituted suit against the
15 against any officer or employee of the Commission. Commission

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

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

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

27 (3) No suit shall be commenced against a member of the Governing
28 Council, the Executive Secretary, officer or employee of the Commission
29 before the expiration of a period of one month after written notice of
30 intention to commence the suit shall have been served upon the Commission

	1	by the intending plaintiff or his agent.
	2	(4) The notice referred to in subsection (3) of this section shall clearly
	3	and explicitly state-
	4	(a) the cause of action;
	5	(b) the particulars of the claim;
	6	(c) the name and place of abode of the intending plaintiff; and
	7	(d) the relief which he claims.
Notice	8	20. A notice, summons or other documents required or authorized to
	9	be served upon the Commission under the provisions of this Bill or any other
	10	law or enactment may be served by delivering it to the Executive Secretary or
	11	by sending it by registered post and addressed to the Executive Secretary at the
	12	principal office of the Commission.
Power to make regulations	13	21. The Governing Council shall have power to make regulations
	14	generally for the effective implementation and operation of this Bill.
Interpretation	15	22. In this Act, unless the context otherwise requires -
	16	"Chairman" means the Chairman of Foreign Service Commission Governing
	17	Board appointed pursuant to section 2(1) of this Bill;
	18	"Commission" means the Foreign Service Commission established under
	19	section 1 of this Bill;
	20	"Executive Secretary" means the Executive Secretary of the Commission
	21	appointed pursuant to section 9(1) of this Bill;
	22	"member" means a member of the Foreign Service Commission Governing
	23	Board appointed pursuant section 2(1) of this Bill and includes the Chairman;
	24	and
	25	"Minister" means the Minister charged with the responsibility for foreign
	26	affairs, and Ministry shall be construed accordingly.
Short title	27	23. This Bill shall be cited as the Foreign Service Commission
	28	(Establishment, Etc.) Bill, 2023.

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; or

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 or

- 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

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