

[SB. 351] ABUJA METROPOLITAN MANAGEMENT COUNCIL BILL, 2010

ARRANGEMENT OF SECTIONS

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A BILL

[EXECUTIVE]

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ABUJA METROPOLITAN MANAGEMENT
COUNCIL AND OTHER MATTERS CONNECTED THEREWITH

[]

Commence-
ment.

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

1 PART I — ESTABLISHMENT, MEMBERSHIP, ETC.

2 1.—(1) There is hereby established for the Federal Capital Territory Abuja
3 (“FCT”), an Authority, to be known as the Abuja Metropolitan Management
4 Council (“the Council”), which shall be responsible for the efficient running
5 and operation of Municipal Services within the FCT.

Establishment.

6 (2) The Authority shall be a body corporate with perpetual succession
7 and a common seal and may—

8 (a) sue and be sued in its corporate name; and

9 (b) hold, acquire and dispose of any property or interest in property,
10 moveable or immovable.

11 2.—(1) The governing body of the Council shall be a Board of Directors
12 referred to in this Act as “the Board”.

Board of
Directors.

13 (2) The Board shall consist of—

14 (a) the Minister, who shall be the Chairman;

15 (b) the Executive Secretary of the FCDA, who shall be the Vice Chairman;

16 (c) the Co-ordinator, who shall be a full time member of the Board;

17 (d) five other members appointed by the Minister, who shall be persons
18 with cognate experience in environmental and or municipal matters.

19 (3) All members of the Board, other than the Co-ordinator shall be part-
20 time members.

21 (4) There shall be paid to the Members of the Board such remuneration
22 as the minister may determine.

23 (5) Members appointed to the Board pursuant to paragraph (d) of

1 subsection (2) shall hold office for a period of four years
2 renewable once for a further period of four years only, provided however
3 that—

4 (a) any Member may resign his appointment at any time by notice in writing
5 under his hand addressed to the Minister.

6 (b) if a Member dies or resigns or otherwise vacates his office before the
7 expiration of the term for which he is appointed, a fit and proper person
8 shall be appointed for the remainder of the term of office of that Member,
9 and that the successor shall represent the same interest and shall be
10 appointed by the Minister.

11 (c) a Member may be removed from office by the Minister if he is satisfied
12 that it is not in the interest of the Council or the interest of the public that
13 the Member should continue in office.

14 (6) The provisions of the Second Schedule to this Act shall have effect
15 with respect to the proceedings of the Authority and other matters mentioned
16 therein.

Operational
Divisions.

17 3.—(1) The following operational departments are hereby established
18 for the Council—

19 (a) Department of Parks and Recreation ;

20 (b) Department of Development Control;

21 (c) Department of Facilities Maintenance and Management;

22 (d) Department of Road Traffic Services;

23 (e) Department of Urban Affairs; and

24 (2) The functions, as well as the subdivisions of each of the departments
25 established in subsection (1) above, shall be as set out in the First Schedule
26 to this Act.

27 (3) The departments of the Council shall report to the Director-General,
28 who shall oversee their operations on a day-to-day basis.

29 (4) For the effective conduct of the functions of the Council, the Minister
30 may issue regulations prescribing additional departments for the Council or
31 altering the departments listed in subsection (1) of this section in any manner
whatsoever.

1 (5) Notwithstanding the provisions of this section, the Board shall have
2 power to set up any committee to assist in the performance of its duties and
3 functions under this Act.

4 (6) A committee set up under subsection (5) of this section shall consist
5 of such number of persons as may be determined by the Board, and a member
6 of such committee shall hold office in the committee in accordance with the
7 terms of his appointment.

8 (7) A decision of any such committee shall not be effective unless ratified
9 by the Board.

10 PART II — FUNCTIONS AND POWERS

11 4.—(1) Subject to and without prejudice to the provisions of the Functions.
12 Federal Capital Territory Act, the Council shall be responsible for the following
13 functions within the FCT—

14 (a) land use and control of development in the Territory, including
15 processing and approval of building plans for development and monitoring
16 and control of physical development;

17 (b) design, control and provision of parks, gardens and recreational facilities
18 and maintenance thereof;

19 (c) fire prevention and control;

20 (d) emergency preparedness and response;

21 (e) control of advertisements, including issuance of permits for municipal,
22 advertisements, bill boards, sign boards, etc;

23 (f) street, naming and house numbering;

24 (g) management of markets within the metropolis, and

25 (h) general public facility management and maintenance.

26 (2) In discharging its general responsibility under subsection (1) above,
27 the Council shall—

28 (a) prepare plans for the management of all public facilities within the FCT;

29 (b) in collaboration with the Federal Capital Development Authority,
30 manage, protect, maintain and improve public infrastructure and facilities
31 and all public buildings within the FCT that are necessary for the discharge
of its functions;

	1	(c) levy user charges in connection with the provision of its services and
	2	collect such charges or any other tariff that are necessary for the discharge
	3	of its functions; and
	4	(d) enter into agreement with any person for the supply, construction,
	5	manufacture, maintenance or repair of any property whether movable
	6	or immovable, which is necessary or appropriate for the purpose of the
	7	Council.
	8	(3) The Minister may issue regulations adding to, deleting from or
	9	altering in any manner whatsoever, the functions of the Council as listed in
	10	subsection (1) of this section.
	11	5.—(1) The Council shall have the power to—
General Powers.	12	(a) do all things which by this Act or any other enactment are required or
	13	permitted to be done by the Council;
	14	(b) monitor any matter that may affect the functions of the Council;
	15	(c) do anything that will ensure the advancement of the skills of employees
	16	of the Authority or the equipment of the Council including the provision
	17	of training facilities, education and general research.
	18	(d) make, draw, accept or endorse negotiable instruments; and
	19	(e) do such other acts as may appear to it reasonable, advantageous or
	20	convenient, necessary or expedient for the full discharge of its functions
	21	under this Act, either alone or in collaboration with any other person.
	22	(2) Subject to any limitation imposed by law, the Council may delegate
	23	any of its powers to any Member or official of the Authority and authorize
	24	any such Member or official to perform any of its functions.
Power to Borrow.	25	6. Subject to the approval of the Minister, the Council may from time to
	26	time, borrow by way of overdraft or otherwise, such sums as it may require
	27	for the effective discharge of its functions under this Act.
Power to Accept Gifts.	28	7.—(1) The Council may accept any gift, grant or donation of land,
Director-	29	money or other property from any person upon such terms and conditions
	30	(acceptable to the Council), if any, as may be specified by the person making
	31	the gift or donation.

1 (2) The Council shall not accept any gift or donation if the conditions
2 attached thereto by the person making the gift or donation are inconsistent
3 with the functions of the Council.

4 PART III — STAFF OF THE AUTHORITY

5 8.—(1) The President shall, upon the recommendation of the Minister,
6 appoint a Director-General as the Chief Executive Officer of the Council.

General.

7 (2) The Director-General shall hold office for the term specified in
8 subsection (5) of section 2 of this Act provided that, the said term may be
9 renewed for one or more term if the Minister deems it fit.

Staff of the

10 (3) The Director-General shall be responsible for the day-to-day
11 administration of the Council, keeping the books and records of the Council
12 and the execution of the policy and practice of the Authority and shall be
13 subject to the supervision and control of the Board.

14 (4) The Director-General shall hold office on such terms as to emoluments
15 and otherwise as may be specified in his letter of appointment.

16 9.—(1) The Council may from time to time, appoint such other
17 employees as it may deem necessary, to assist the Council in the performance
18 of its functions under this Act and without prejudice to the generality of
19 the foregoing, there shall be for each of the boards and departments of the
20 Council created under this Act, a Director who shall report to the Director-
21 General.

Council.

Staff

22 (2) The staff of the Council appointed under subsection (1) of this section
23 shall be appointed upon such terms and conditions of service as the Council
24 may, after consultation with the FCT Public Service Commission, determine :

25 Provided that the Minister may apply to the President for approval of the
26 application to the staff of the Council, of such improved and or preferred
27 terms and conditions of service as may be necessary.

28 (3) The power of the Council under subsection (1) of this section shall
29 include the power to—

30 (a) promote and control the staff of the Council as may appear to the
31 Council necessary or expedient; and

(b) dismiss, terminate, consider the resignation or withdrawal of

	1	appointment and exercise disciplinary control over the staff of the Council,
	2	other than the Director-General.
	3	(4) The Council may delegate to the Director-General, generally or
	4	specifically, the power to appoint such categories of staff of the Council as
	5	the Council may from time to time specify.
	6	(5) The staff of the Council shall be Public Officers of the FCT, as defined
	7	in the FCT Public Service Commission Act.
	8	(6) The Council may engage such consultants and advisers as it may
	9	require for the effective discharge of its functions.
Regulations.	10	10.—(1) The Council may, subject to the provisions of this Act and in
Fund of the	11	consultation with FCT Public Service Commission, make staff regulations
	12	relating generally to the conditions of service of its employees and without
	13	prejudice to the generality of the foregoing, such regulations may provide
	14	for—
	15	(a) the appointment, promotion and disciplinary control (including
	16	dismissal) of the employees of the Council; and
	17	(b) appeals by employees against dismissal on other disciplinary measures.
	18	(2) Pending the release of the regulations described in subsection (1) of
	19	this section, the employment of the staff of the Council shall be governed by
	20	the terms and conditions generally applicable to officers in the public service
	21	of the FCT.
	22	(3) Staff regulations issued by the Council under subsection (1) of this
	23	section shall not have effect until approved by the Minister and published in
	24	the Gazette.
	25	PART IV — FINANCIAL PROVISIONS
Council.	26	11.—(1) The Council shall establish and maintain a fund (“the Fund”)
Annual	27	which shall consist of—
	28	(a) the initial take-off grant from the FCT Administration;
	29	(b) such sums as may be provided by the Federal Capital Development
	30	Authority by way of annual subventions or otherwise;
	31	(c) fees, fines and levies charged by the Council;

- 1 (d) income from any investments or other property acquired by or vested
2 in the Council;
- 3 (e) all other sums (whether as tariff or as user charges, or otherwise) or
4 other property which may in any manner become payable to or vested in
5 the Council in respect of its powers and duties or of any incidental matter
6 under this Law or by virtue of the provisions of any other Law.
- 7 (f) subject to section 7 of this Act, all other sums accruing to the Council
8 by way of grants, gifts, testamentary dispositions, endowments, bequests
9 and donations made to the Council; and
- 10 (g) such other sum as may accrue from time to time to the Council.

11 (2) The Fund shall be managed in accordance with rules prescribed by
12 the Minister, provided the rules shall contain provisions—

- 13 (a) specifying the manner in which the assets of the fund are to be held;
- 14 (b) regulating payments into the Fund and the matters to which the assets
15 of the Fund may be applied; and
- 16 (c) requiring the keeping of proper accounts and records for the purpose
17 of the Fund in such form as may be prescribed.

18 (3) The Council shall operate account with banks approved by the
19 Minister and the signatories to the account shall either be the Director-General
20 or his designated representative and the Head of accounts or any person duly
21 authorized by the Board in that behalf.

22 12.—(1) The Council shall, not later than 30 September in each year,
23 submit to the Minister an estimate of its expenditure and income (including
24 estimates of expected payments into the Fund) during the next succeeding
25 year.

estimates,
accounts and
audits.

Annual
reports.

26 (2) The Council shall keep proper accounts in a form which conforms to
27 accepted accounting standards, and proper records in relation thereto and
28 the accounts shall be audited as provided in subsection (3) of this section.

29 (3) The accounts of the Council shall be audited at the end of each
30 calendar year by auditors appointed by the FCT Administration from the list
31 and in accordance with the Financial Guidelines and the fees of the auditors
and the expenses for the audit generally shall be paid from the Fund.

Regulations.	1	13. The Council shall, not later than 30 June in each year, submit to the
	2	Minister, a report on the activities of the Authority and its administration
	3	during the immediately preceding year and shall include in the report the
	4	audited accounts of the Council and the auditors' report thereon.
	5	PART V — REGULATIONS AND SUPPLEMENTARY PROVISIONS
Obstruction of the	6	14.—(1) The Minister may make regulations for the effective operation
	7	of this Act and the due administration thereof.
	8	(2) Without prejudice to the generality of subsection (1) of this section,
	9	the Minister may prescribe rates, tariffs and user charges from time to time
	10	for the services rendered by the Council pursuant to this Act.
Council or its authorized officers.	11	15. Any person who—
	12	(a) wilfully obstructs the Council or any authorised officer of the Authority
Pre-action	13	in the exercise of any of the powers conferred on the Council by this Act;
	14	or
	15	(b) fails to comply with any lawful enquiry or requirements made by an
	16	authorised officer in accordance with the provisions of this Act, shall
	17	be guilty of an offence and shall be liable upon conviction to a fine not
	18	exceeding Two Hundred Thousand Naira or imprisonment for a term not
notice.	19	exceeding two year or to both such fine and imprisonment.
	20	16.—(1) No suit shall be commenced against the Council before the
	21	expiration of a period of one month after written notice of intention to
	22	commence the suit shall have been served upon the Council by the intending
	23	plaintiff or his agent and the notice shall clearly and explicitly state the—
	24	(a) cause of action;
	25	(b) particulars of claim;
	26	(c) name and place of abode of the intending plaintiff; and
	27	(d) relief which it claims from the cause of action.
	28	(2) The notice referred to in subsection (1) of this section and any
	29	summons, notice or other documents required or authorized to be served
	30	upon the Council in connection with any suit by or against the Council shall be served by delivery of same to the Director-General.

1 17. In any suit pending before a court, the Council may be represented
2 in court at any stage of the proceedings by any employee of the Council who
3 shall satisfy the Court that he is duly authorized in writing by the Council in
4 that behalf.

5 18. Every Member, agent or staff of the Council shall be indemnified out
6 of the assets of the Council against any liability incurred by him in defending
7 any proceedings, whether civil or criminal, in which judgment is given in his
8 favour or in which he is acquitted if any such proceeding is brought against
9 him in his capacity as such Member, agent or staff as aforesaid.

10 19.—(1) The Common Seal of the Council shall be such as may be
11 determined by the Board.

12 (2) The Common Seal shall be authenticated by the signatures of the
13 Chairman and the Secretary or of any other members authorized generally
14 or specifically by the Board to act for that purpose.

15 (3) Any document purporting to be a document duly executed under
16 the Common Seal of the Authority shall be received in any Court and shall
17 unless the contrary is proved, be deemed to be so executed.

18 20. In this Act, unless the context otherwise requires—

19 “the Council” means the Abuja Metropolitan Management Council;

20 “the Board” means the governing board of the Council.

21 “Chairman” means the Chairman of the Board;

22 “Department” means a department established under this Bill’

23 “FCDA” means the Federal Capital Development Authority

24 “FCT Administration” means the Federal Capital Territory Administration;

25 “Financial Guidelines” means the guidelines issued from time to time for the
26 accounting and financial reporting functions of the FCT by the Accountant-

27 General and Auditor General of the Federation or the Department of
28 Treasury and Audit in the FCT; “the Fund” means the fund established for
29 the Council pursuant to section 12;

30 “Director-General” means the Director-General of the Council;

31 “Member” means member of the Board of Directors of the Council;

- 1 "Minister" means the Minister of the Federal Capital Territory;
- 2 "Person" includes any individual, partnership, firm, company, corporation
- 3 (statutory or otherwise), joint venture, trust, association, organisation or
- 4 other entity, in each case whether or not having separate legal personality.
- 5 "Prescribe" means prescribe by regulations.
- 6 21. This Act shall be cited as the Abuja Metropolitan Management
- 7 Council Bill, 2010.
- 8