



A GUIDE TO THE

NIGERIAN NATIONAL ASSEMBLY



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A GUIDE TO THE

**NIGERIAN
NATIONAL
ASSEMBLY**

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PREFACE

This is a guide containing information on the Nigerian National Assembly and various aspects of legislative work.

It is designed as a personal reference material for those wishing to learn the workings of the legislative institution or planning to engage it.

It is also reproduced in an animated DVD format which may be used in conjunction with this guide or as a stand-alone resource.

We hope you find it useful.

CONTENTS

	<i>Title Page</i>	i.
	<i>Acknowledgement</i>	ii
	<i>Preface</i>	iii
	<i>Contents</i>	iv
01	Introduction	01
02	The Business of the Legislature in Nigeria	02
03	Structure of the National Assembly	03
04	Plenary Sessions, Sittings and Recess	06
05	Legislative Powers, Privilege and Immunities	08
06	Legislative Committees	10
07	Types of Committees	12
08	Roles & Functions of a Legislator	14
09	Lawmaking	15

10	The Lawmaking Process	17
11	Passing the National Budget	22
12	Steps in Passing the National Budget	24
13	Constitution Amendment Process	29
14	Oversight Functions of Legislators	33
15	Hearings	35
16	Legislative Oversight of the Budget	36
17	Representation	39
18	Recall	41
19	Legislative Procedure & Mastery of the Rules	43
20	Debates, Motions & Resolutions	44
21	Motions	45
22	Resolutions	48
23	Some Traditions and Practices of the National Assembly	49
24	Some Legislative Terms	51
25	Conclusion	53
	Sources	54
	Notes	55



CHAPTER ONE

INTRODUCTION

The National Assembly is Nigeria's legislative arm of government.

One can rightfully say that the sovereignty of the people resides in the legislature.

There are basic things most people know about the National Assembly such as that it is made of two chambers – the Senate and House of Representatives - and that there are 109 elected members in the Senate and 360 members in the House.

However, the National Assembly is much more than that and this presentation tries to explain the many facets and functions of this great institution.

This guide explains:

1. How the National Assembly is established
2. The Roles and Functions of a Legislator
3. Legislative Rules and Procedures



CHAPTER TWO

THE BUSINESS OF THE LEGISLATURE IN NIGERIA

The National Assembly is established under Section 4 of the 1999 Constitution of the Federal Republic of Nigeria.

“It is vested with powers to make laws for the peace, order and good governance of the Federation with respect to matters in the exclusive legislative list.”

Some of the items in this List include:

Arms, Aviation, Currency, Drugs and Poisons, Mines and Minerals, Passports and Visas, Posts, Telegraphs and Telephones, Prisons, Railways, Ammunition and Explosives, Bankruptcy, Banks, Citizenship, Copyright, Patents and Trade Marks, Creation of States, Customs and Excise Duties, Defence and Military, Immigration, Insurance, Labour, Trade or Business Names, Powers of the National Assembly and the Privileges and Immunities of its Members, Regulation of Political Parties.



CHAPTER THREE

STRUCTURE OF THE NATIONAL ASSEMBLY

The National Assembly consists of a political and administrative structure that have been put in place to enable it achieve its legislative mandate.

The political set up of the National Assembly consists of a Senate and a House of Representatives. The political composition of each House is derived from **Sections 47 to 51** of the Constitution and from provisions in the Rules and Standing Orders of the Houses.

The administrative structure, also known as its “bureaucracy” is headed by the Clerk to the National Assembly who is the Chief Administrative and Accounting Officer of the National Assembly. He is assisted by the Deputy Clerk of the National Assembly.

The Legislative Departments of the two Houses are headed by the Clerk of the Senate and Clerk of the House of Representatives respectively. They manage the affairs and execute political decisions of the two Houses. The two Clerks are responsible to the Clerk to the National Assembly and the Presiding Officers.



STRUCTURE OF THE NATIONAL ASSEMBLY

Let's take a look at the political or leadership structure of the Senate. The Senate leadership is made up of the following:

- The Senate President
- Deputy Senate President
- Majority Leader
- Deputy Majority Leader
- Chief Whip
- Deputy Whip
- Minority Leader
- Deputy Minority Leader
- Minority Whip
- Deputy Minority Whip

The President of the Senate is the Presiding Officer in the Senate and Chairman of the National Assembly.

The Deputy Senate President carries out the functions of the Senate President in his/her absence. Note that there are other functions conventionally carried out by the Deputy Senate President. For instance, he/she chairs the Constitution Review Committee of the Senate.

The Majority Leader is the Leader of the House elected by members of the Majority Party. His/her role includes serving as a spokesperson for the majority, leading the business of the House, managing the legislative schedule and liaising with various Committee Chairmen.

The Chief Whip is elected to maintain the order and decorum of the House and also discipline among members of the majority party.

The Minority Leader is elected by members of the minority party and his/her role is to represent their interests and maintain discipline among them.



STRUCTURE OF THE NATIONAL ASSEMBLY

A Deputy Minority Leader is also elected to assist the minority leader in the performance of his/her functions

The Minority Whip is elected from the minority party to manage the affairs of his party. He performs the same functions as the Chief Whip for his party members.

The same structure exists in the House of Representatives except that its Presiding Officer is referred to as the Speaker of the House of Representatives and his Deputy – the Deputy Speaker.



CHAPTER FOUR

PLENARY SESSIONS, SITTINGS AND RECESS

The National Assembly conducts most of its legislative business through daily sittings or plenary sessions and committee meetings.

National Assembly Plenary Sessions are stipulated in **Section 63 of the Constitution**, which provides that the life of the National Assembly is four years.

Plenary Session refers to the day, period, or time in which a legislature formally assembles for the purpose of lawmaking. A session must consist of not less than 181 days within a legislative year.

Sittings are meetings or hearing periods of the legislative assembly within a session or legislative year. There is no constitutional provision for daily sittings therefore it is up to each House to decide what works best for it.

Previous Assemblies since 1999 have observed Tuesdays to Thursdays as sitting days.

Recess refers to longer breaks of the House at the end of a session. This is distinct from the usual adjournment that occurs after a plenary sitting.



PLENARY SESSIONS, SITTINGS AND RECESS

In other words, recess refers to the time or period both or either chamber of the National Assembly decides to take a long adjournment usually to observe public holidays, annual vacation or to perform oversight functions.



CHAPTER FIVE

LEGISLATIVE POWERS, PRIVILEGE AND IMMUNITIES

Legislators enjoy certain powers, privilege and immunities. Legislative powers can be defined as constitutional powers bestowed on the Legislative arm of Government. These powers could be express, implied or assumed.

Express powers as stated in the Constitution include:

- The Power over public funds;
- The Power to alter the Constitution;
- The power to ratify treaties; and,
- The power of Oversight of the Executive.

Note that the Constitution empowers the legislature to create rules regarding its internal affairs. This is the basis of existence of the **Rules** and **Standing Orders** that guide chamber proceedings in the Senate & House of Representatives respectively.

Implied powers are ancillary to assist in carrying out the powers stated in the Constitution.



LEGISLATIVE POWERS, PRIVILEGE AND IMMUNITIES

For instance, **section 89** of the Constitution empowers the National Assembly to procure all evidence it thinks necessary when examining persons as witnesses. From this express power in **section 89**, one can deduce an implied power to order the arrest of any person that seeks to impede its investigation.

Assumed powers are rights claimed by the legislature, which, though not tenable as rights, are not unconstitutional as there are no provisions prohibiting them. They are usually used to fill a lacuna in the law.

In exercising their powers, legislators are protected by some privileges and immune from certain legal provisions so that they can perform their duties unhindered.

These include the right to freely express themselves and adopt policy positions without fear of politically motivated retribution. However, a claim of entitlement to these rights can only be accorded in the performance of legislative functions.

Note that provisions on Legislative Privilege & Immunity comes from the **Legislative Houses Powers and Privileges Act**, the **Rules or Standing Orders** of each House, and also, from legislative custom adopted by the National Assembly from the British parliament.

Note also that there are limitations to legislative powers. For instance, the Constitution explicitly prohibits the National Assembly from enacting any law that removes or purports to remove the jurisdiction of a court of law or a judicial tribunal. It also prohibits the National Assembly from making retroactive legislation.



CHAPTER SIX

LEGISLATIVE COMMITTEES

In the exercise of their functions, the National Assembly often works in smaller units known as Committees.

A Committee is a unit within a legislative chamber that allows groups of legislators to review policies, propose bills and report back to the chamber.

One central theme is that Committees are created for the purpose of satisfying the need for specialization and division of labour in law making.

Towards this end, most committees in the National Assembly are created in line with the existing mandate of ministries, departments and agencies in government.

The functions of committees are spelt out in the Constitution and in the Rules of each House.

Some general functions of Committees include:

- Initiation and Consideration of bills;
- Oversight of the Executive;
- Constituency Representation;



LEGISLATIVE COMMITTEES

- Investigating government policy initiatives; and,
- Reviewing and approving government budget and expenditure.

From Where do Committees Derive Powers?

Section 62(1) of the 1999 Constitution empowers the National Assembly to:

- Create Committees of its members and delegate functions which the National Assembly has powers to exercise to such Committees;
- Direct any of its Committees to investigate any matter or thing over which it has powers to make laws; and to
- Investigate the conduct of any authority charged with the responsibility of administering laws or disbursing moneys appropriated by the National Assembly.

Further, **Section 89** of the Constitution empowers Committees to:

- Procure evidence and examine witnesses;
- Require such evidence to be given on oath;
- Summon any person in Nigeria to give evidence or produce a document;
- Issue a warrant to compel the attendance of any person who fails or refuses to appear; and,
- Order payment of costs incurred in compelling such attendance and also impose a fine in consequence.

It is important to note that while Committees are not a separate decision-making body that is independent of the legislature, it may make decisions regarding its own internal proceedings.



CHAPTER SEVEN

TYPES OF COMMITTEES

There are various types of Committees. They include:

Standing Committees:

Which are permanent committees that aid the National Assembly in their day-to-day functions. Examples include the Committee on Rules and Business and Committee on Appropriations.

Special Committees:

Which are permanent committees established by the Rules of the House and Senate with clear terms of reference to perform specialized functions beyond that of standing committees. An example is the Committee on Selection, which selects and nominates members to the various standing Committees.

Ad-Hoc Committees:

Which are committees created as a matter of urgency to deal with pressing or specific issues. An example is the Ad hoc Committee on the Review of the Constitution.



TYPES OF COMMITTEES

Joint Committees:

Which are either a combination of two or more similar Committees from the two Chambers or from one Chamber. The aim of the joint committee is to examine any subject matter that falls within their jurisdiction.

There is also the:

Committee of the Whole:

This happens when the entire membership of a Chamber forms a Committee that is chaired by its Presiding Officer to consider a bill or a matter of concern.

Conference Committee:

This is a Committee consisting of members of the Senate and House who converge with the aim of harmonising differences on a bill that has been passed by both houses.

Note: Committees are powered by Secretariats, which are headed by Clerks and other committee staff.

To further support their work and the work of their committees, legislators often hire personal staff and legislative aides to assist them.



CHAPTER EIGHT

ROLES AND FUNCTIONS OF A LEGISLATOR

The primary functions of a legislator include:

- Making laws pertaining to issues affecting public interest;
- Representing the opinions and interest of citizens and the nation as a whole; and,
- Overseeing government Ministries, Departments and Agencies.



CHAPTER NINE

LAWMAKING

If you asked an ordinary Nigerian citizen what the National Assembly does, he or she would probably say, "They make laws."

Indeed, lawmaking is one of the main functions of a legislature. As mentioned earlier, the Constitution gives the National Assembly powers to make laws for the "peace, order and good governance of the Federation."

In carrying out this lawmaking function however, the National Assembly has an added responsibility of subjecting government policy ideas to rigorous intellectual and legal analysis.

In addition to reinforcing policy initiatives, legislation plays a role in creating or abolishing rights, reaffirming moral or ideological principles, or simply reassuring the public that their concerns are respected by lawmakers.

The drafting stage is often the first at which policy as a whole is subjected to scrutiny.



LAWMAKING

Legislators may not necessarily come up with language for new legislation themselves but legislative best practices require that they ensure that draft laws put before them for review and adoption are drafted in clear language that leaves no doubt about the law's meaning or the legal consequences of the law's application.

In the National Assembly, there are several departments or units that work to ensure that bills meet these basic requirements. The Bills, Scrutiny, Table Duties and Legal departments play various roles in examining bills and ensuring that they are drafted in good form or accepted format.



CHAPTER TEN

THE LAWMAKING PROCESS

The Law making process is also known as the Bill process.

In a Presidential system of Government, the process of law making generally requires a long period of deliberation and consideration of many interests and implications of a Bill. A Bill generally passes through four stages, which include three readings before it is passed into law. However, there are certain instances where this procedure is not strictly followed.

A Bill is simply defined as a draft of a proposed law. They are generally of two types: Private and Public Bills.

Private Bills affect private citizens, corporate entities or a particular class of people.

A public bill on the other hand, applies to the public at large.

Under these two broad categories are Members Bills, which are bills sponsored by legislators and Executive Bills, which are bills emanating from the executive.



THE LAWMAKING PROCESS

The various stages a bill passes through to become a law:

Bills usually pass through the following stages in each House or Chamber:

- Presentation and first reading;
- Second reading;
- Committee stage;
- Third Reading and Passage; and then,
- Assent (President's Signature)

The first step in passing a bill into law is usually by giving a notice of presentation.

- For a public or government bill; the Clerk, on receiving the draft from the Senate President or Speaker, must first publish it in the Official Gazette, and a copy must be sent to every member of the chamber in question.
- For a Private Member's Bill, the member sponsoring the bill must move, by motion, for leave to present the bill by sending a copy to the Clerk of the House. The member must also cause the bill to be published in at least two successive issues of the Official Gazette. A copy of the first issue must be sent to each member after its publication.

First Reading

The introduction of a bill is the same as its First Reading.



THE LAWMAKING PROCESS

When the Bill is introduced, the Clerk of the House reads the short title and gives a brief statement and background on the Bill. The Rules and Business Committee then sets a date for its Second Reading.

Second Reading

The second reading is the stage where the bill's general merits and principles are debated. If the bill is read the second time, the House is deemed to have approved the bill in principle. If, on the other hand, the bill is defeated on the floor of the chambers at the second reading, that will be the end of the bill.

Note that when the Bill is read a second time, it is referred to a Standing Committee unless a decision is made to commit it to the Committee of the Whole House for consideration.

Committee Stage

Following the second reading, bills are submitted to the relevant committees for further consideration and public hearings where necessary.

The committee may approve the bill unaltered, amend it, rewrite it or even block it. However, the practice in Nigeria is that the committee should not kill a bill, but rather, report its findings and recommendations to the House for further action.

Report Stage

When the Committee is done with the Bill, it presents its report to the House. If it is adopted, the Bill progresses to Third Reading.



THE LAWMAKING PROCESS

Third Reading

At the third reading, the member in charge of the bill reports to the House that the Committee of the Whole has considered the bill and passed it with or without amendment and moves a motion that “the bill be now read the third time.”

Note that when a bill originating in either of the Chambers has been read the third time, a Clean Copy of the bill signed by the Clerk, and endorsed by the Presiding Officer of the originating Chamber, shall be forwarded by its Clerk to the Clerk of the other Chamber, with a message that it desires its concurrence.

- Where amendments proposed by the originating chamber are accepted by the other chamber, then the Clerk of the other chamber, retains the bill and sends a message to the originating chamber “that the Senate or House of Representatives, as the case may be, has agreed to the bill without amendments”
- Where however the other chamber:
 - o does not agree with the originating chamber on the bill; or
 - o agrees to the bill, but with its own amendments; a conference or harmonisation committee will be constituted comprising members of both chambers with the duty of reconciling differences on the bill and proposing a single position that would be adopted by the plenary of each Chamber.

After the recommendations of the conference committee are adopted, the bill then moves on to the assent stage.



THE LAWMAKING PROCESS

Assent Stage

Here, the Clerk of the National Assembly sends a copy of the “clean bill” to the President for assent.

If the President is satisfied with the bill, he gives his assent, but where he rejects or vetoes it, or does not communicate his assent to the bill within 30 days from the date the bill was sent to him, the National Assembly by a two-thirds majority vote can override the veto.

It is important to note however that there are unique procedures for passing specific types of bills such as the Appropriations Bill or National Budget and a bill seeking to amend the Constitution.



CHAPTER ELEVEN

PASSING THE NATIONAL BUDGET

What is a Budget?

A budget is a financial plan of action directly linked to government strategies, policies, plans and priorities. Government budgets provide strategic estimates for capital expenditure, recurrent expenditure and revenue generation.

The National Assembly has the duty to prepare bills to secure money for the running of government and also to disburse these monies. Bills touching on these are referred to as “Money Bills”

Section 59 (1) of the Constitution defines Money Bills to include:

- an appropriation bill or a supplementary appropriation bill; or
- a bill for the payment, issue or withdrawal from the Consolidated Revenue Fund;
- etc



PASSING THE NATIONAL BUDGET

Furthermore, **Sections 80-81 and 120-121** of the Constitution grants the National Assembly and State Houses of Assembly the power to authorize withdrawal from the Consolidated Revenue Fund to meet government expenditure.

Tied to this is the Legislature's "Power of the Purse" which means that the government can only spend money for purposes authorized by the Legislature. The exercise of this power is seen in the appropriations or budget process, in the next section.



CHAPTER TWELVE

STEPS IN PASSING THE NATIONAL BUDGET

Constitutionally, the President or his appointee is required to deliver an annual budget speech to kick-start the budget process.

However, before then, there are processes embarked upon by the Executive. It begins with the preparation of the Medium Term Expenditure Framework & Fiscal Strategy Paper by the Executive and then sending of a Draft Appropriation Bill and accompanying Draft Estimates to the National Assembly.

Preliminary Stage

- First, the Executive sets budget policies and parameters in the MTEF, FSP document and sends it to National Assembly.
- The MTEF is enshrined in **Sections 11 to 17** of the **2007 Fiscal Responsibility Act**, which mandates the Federal Government to develop a Fiscal Strategic Paper within a Medium Term Expenditure Framework for a three-year period.



STEPS IN PASSING THE NATIONAL BUDGET

- The MTEF has two main objectives: the first aims at setting fiscal targets, while the second aims at allocating resources to strategic priorities within these targets.
- Also, the MTEF &FSP document outlines the priorities of Government relating to:
 - o expenditure control;
 - o direction of funds to productive and growth enhancing sectors of the economy;
 - o initiatives for job and wealth creation;
 - o the completion of on-going capital projects; and
 - o the drive for increased non-oil revenue.
- After receipt from the executive, the National Assembly forwards the MTEF, FSP document to its relevant Committees and also the National Assembly Budget and Research Office for analysis, and then sends its back after giving approval.
- Following this, the executive prepares a budget and sends “call circulars” to government ministries to state their spending needs.
- The draft budget is then compiled and sent to the Federal Executive Council for approval as the “Appropriation Bill.”



STEPS IN PASSING THE NATIONAL BUDGET

Bill Introduction

1. The legislative process begins with the President's "budget speech" delivered at the presentation of the Appropriations Bill to a joint sitting of both Houses of the National Assembly. This speech is taken as the Bill's First Reading.
2. Thereafter, the Rules and Business Committee sets the date for second reading.

2nd Reading & Committee Stage

3. At the second reading, the Bill is debated at different sittings of each House and referred to their relevant Committees for investigation.
4. In the stages following the 2nd Reading, the National Assembly's unique budget procedure comes into play.

HERE:

- a. The Committee on Appropriations takes over and coordinates the whole process.
- b. Also, each Standing Committee transforms into a Sub-Committee of the Appropriations Committee; and is given charge over the Heads of Estimates of the Ministry for which it has oversight responsibilities.
- c. So, while the Appropriation Bill itself goes to the Committee on Appropriations, the Heads of Estimates, which details the expenditure requests, go to the said sub-committees. Sub-Committees may invite the relevant Ministries for budget defence.



STEPS IN PASSING THE NATIONAL BUDGET

5. After deliberations, the Sub-Committees report their findings to the Appropriations Committee. A clean copy of the Sub-Committees' Report is then prepared and readied for presentation on the Floor of the House.
6. Following this, the Rules and Business Committee sets a date for presentation.
7. The Report is presented and copies circulated to all Members. At the same time, the Chairman of the Rules and Business Committee sets the date the Report will be formally considered by the House in question as one Committee.
8. For the consideration of the Report, the House or Senate resolves itself into a "Committee of the Whole House, or Senate" as the case may be, to pass resolutions on each item of the Head of Estimates. For this purpose, the "Committee of the Whole" is referred to as the "Committee of Supply" and presided over by the Speaker or Senate President or their Deputies. Here, each item of expenditure for each ministry is considered one after the other and any change adopted during consideration must be effected before the third reading.

Report Stage & 3rd Reading

9. After this is the Report Stage where the Appropriations Committee submits for adoption, its final report containing a summary of amendments agreed to by the House and the amount approved for each Ministry, Department or Agency.



STEPS IN PASSING THE NATIONAL BUDGET

10. After adoption by the House, the Bill goes through Third Reading and is passed as the Appropriation Bill.
11. It is then sent to the other House or Chamber for concurrence.

Bills Harmonisation & Assent

12. Remember that this process occurs separately in each chamber; meaning that both chambers will probably end up with different outcomes. Where this happens, the two Chambers will constitute a Joint Finance Committee of equal numbers to consider only the areas of difference and submit their recommendations to the two Chambers.
13. Where there is no agreement by the two Houses on the recommendations of the Joint Finance Committee, there will be a joint sitting of the two legislative Houses to determine the area of differences alone. Each legislator has only one vote at this joint sitting.
14. Where there is agreement, each House adopts the Committee's recommendations and passes the Appropriations Bill.
15. Finally, a clean copy of the bill accompanied by the approved estimates is sent by the Clerk of the National Assembly to the President for Assent.
16. The President signs and the APPROPRIATION BILL IS PASSED INTO LAW!



CHAPTER THIRTEEN

THE CONSTITUTION AMENDMENT PROCESS

As mentioned earlier, there is a special procedure in the National Assembly for bills seeking to amend the Nigerian Constitution

Although proposals for Constitution amendment come to the National Assembly by way of bills, it is processed in a manner distinct from ordinary bills as it goes through a more stringent and thorough process before becoming law.

Proposed amendments to the Constitution must primarily be supported by a two-thirds majority of all members of each chamber of the National Assembly. It must also be approved by a resolution of at least two-thirds of the 36 State Houses of Assembly.

A legislator, group of legislators, the executive or judiciary may propose an amendment to the Constitution. Individuals or groups seeking an amendment may also do so through their legislators.

A Constitution amendment proposal is usually addressed to the Presiding Officer of the Senate or House, who then refers the bill to their respective Rules and Business Committees for scheduling on the Order Paper for introduction.



THE CONSTITUTION AMENDMENT PROCESS

Proposed amendments are usually considered at separate sittings of each House.

The consideration of a Constitution Amendment Bill in each House is as follows:

- First Reading: Here, the long title of the bill is read by the Clerk of the House.
- Second Reading: After the bill is read a second time, the proposed amendments are forwarded to the Committee on the Review of the Constitution.
- The Committee then reviews the bill and organizes public hearings for further consultations where necessary. The Committee is at liberty to develop new amendment proposals based on received submissions and outside of those committed to it.
- The amendment proposals are then compiled into one bill and presented to the chamber at its Plenary. If the House adopts the report it progresses to the third reading stage.
- Before the Third Reading of the bill, every legislator has to vote either in support or against each specific clause in the Bill. A two-thirds majority of all the members of each House is needed for each clause to pass. **Note: where it borders on the creation of new states, boundary adjustments, new local government areas, fundamental human rights and the mode for altering the Constitution, a four-fifths majority is needed.**



THE CONSTITUTION AMENDMENT PROCESS

- If two-thirds of each chamber pass the bill without amendments or differences, it is transmitted to the State Houses of Assembly for concurrence. However, if an amendment occurs at either of the chambers, a Conference Committee will be set up to harmonise differences on the bill before sending it to the States for concurrence. Note that if both Houses are not able to harmonise positions, the Bill will be returned to the respective chambers for fresh voting.
- At the State Assembly level, a simple majority vote of approval of each clause by two-thirds of the States is required for each amendment to come into effect. This is about 24 of Nigeria's 36 States.
- Following the concurrence from the States, their report on the bill is forwarded to the National Assembly for adoption. Thereafter, the Clerk of the National Assembly sends a clean copy of the Bill to the President for his assent.

Challenges To Passing of Bills

The National Assembly has often struggled with passage of bills timeously with some crucial bills failing to pass before the end of the life of one Assembly.

Some of the contributing factors to the large number of pending bills in the National Assembly apart from the lack of political will to make legislation, include poor coordination and synergy between the chambers that often leaves a bill passed in one chamber but not passed or concurred to by the other chamber.



THE CONSTITUTION AMENDMENT PROCESS

Other factors include:

- Narrow content of bills
- Poor drafting
- Policy duplicity
- Inadequate or delayed legislative scrutiny

Also, there are certain issues that do not require being addressed through a legislative framework but simply through policy statements.

It has been suggested that some of the actions that could help speed up the bills process include- standardization of committee work through adoption of a work plan and proper and timeous legislative scrutiny so as to determine the suitability of a bill before it is deliberated upon.



CHAPTER FOURTEEN

OVERSIGHT FUNCTIONS OF LEGISLATORS

Legislators are not only tasked with law making. They supervise and scrutinize government performance. These powers are provided for in the Constitution and in the Standing Orders & Rules of the respective Houses.

It may also be seen as an added responsibility of overseeing the executive arm in implementation of projects over which the National Assembly has approved funds.

Generally, oversight serves a number of objectives and purposes:

- to improve the efficiency, economy, and effectiveness of governmental operations;
- to detect and prevent poor administration, waste, abuse, arbitrariness, or illegal and unconstitutional conduct;
- to ensure executive compliance with the law;



OVERSIGHT FUNCTIONS OF LEGISLATORS

- to protect citizens rights;
- to ensure that executive policies reflect public interest;
- to gather information to be used in informing or educating the public; and,
- to evaluate execution and performance of the National Budget.

Legislatures conduct oversight through several means, such as:

- questioning senior government officials (including ministers),
- reviewing or confirming executive appointments,
- Physical site or location visits; and,
- Committee inquiries and investigative hearings.



CHAPTER FIFTEEN

COMMITTEE HEARINGS

Investigative Hearings and Public Hearings.

Investigative hearings are used when conducting an investigation of government agencies or heads following allegations of gross misconduct. In investigative hearings, witnesses may be subpoenaed or invited as the case may be.

Public hearings on the other hand are different in that they are used following the second reading of a bill, where a house decides to refer a bill for public input. Public hearings are mainly conducted to enable stakeholders and the public to give their opinions on the bill in question.



CHAPTER SIXTEEN

LEGISLATIVE OVERSIGHT OF THE BUDGET

Derived from inherent powers of Legislative oversight, the National Assembly has a responsibility to ensure that the National Budget is implemented in the manner approved by it.

This function is usually carried out by each Standing Committee on their relevant MDAs.

In particular, the National Assembly through its Public Accounts Committees (PAC) in the Senate and House oversees Public Funds and implementation of the National Budget by considering reports from the office of the Auditor-General of the Federation.

- PACs have powers to scrutinize government accounts on a regular basis.
- This is not just to check that money is being spent according to the budget but also to assess whether or not the expected results are being achieved.
- PACs acts as the legal representative of the public when it scrutinizes budget implementation.



LEGISLATIVE OVERSIGHT OF THE BUDGET

- To discharge its functions effectively, the committee must be provided up-to-date accounts records and audit reports.
- PACs usually invites Accounting Officers (retired or in office) to attend their sessions to answer questions on public accounting issues relating to their ministries.
- The Auditor-General is also usually invited in his capacity as a consultant to the committee.
- The seating of the PAC is open to the members of the public and the press who can make contributions during the public hearings.
- In addition to adopting some of or all the recommendations made by the Auditor-General in his report, PACs can recommend sanctions for erring officials of Government.

The unique role of the Public Accounts Committee demands the representation of all the political parties in its membership. Best practice also requires that it is chaired by an opposition party member.

Public Monitoring Of Budget Implementation

While the legislature has the primary responsibility of monitoring budget implementation, NGOs, the general public and have a complementary role to play here as well.



LEGISLATIVE OVERSIGHT OF THE BUDGET

- Members of the public should be given every opportunity to participate directly in budget monitoring to say whether their needs or expectations have been met or not.
- Public involvement in monitoring the budget is central to transparency.

As such, stakeholders such as donor agencies and Civil Society Organisations have taken special interest in monitoring and tracking budget implementation to ensure that pro-poor programs do not suffer unduly.



17

CHAPTER SEVENTEEN

REPRESENTATION

Politician, Lawmaker, Community Leader, Negotiator, Policy Analyst, Public Speaker, Advocate, Social worker, Diplomat - these are all attributes that can be used to describe the work of a Legislator.

But, first and foremost, a legislator is seen as a Representative of his or her people.

In order to strengthen representation as a core legislative function, lawmakers are expected to pursue an active strategy of improving service to constituents.

This can be done in many ways, including:

- Sponsoring bills on the floor of the House;
- Setting up of a Constituency Office to facilitate public access;
- Regular physical visits to constituencies;
- Meetings with interest groups in order to stay engaged with various issues of concern;



REPRESENTATION

- Presenting petitions in the National Assembly on behalf of constituents to ensure that their grievances are addressed;
- Seeking public consultations and input on a bill;
- Soliciting the opinions of constituents on certain legislative and policy issues;
- Keeping in touch with community leaders;
- Creating awareness and disseminating relevant information to constituents;
- Actively participating in the budget process and ensuring that there is room for constituents to also participate through monitoring of local projects; and,
- Actively engaging the media and civil society groups.

CHAPTER EIGHTEEN

RECALL

Note that if Constituents feel that they are poorly represented or have lost confidence in the abilities of their legislators, they may RECALL them.

A recall is a procedure where voters can remove an elected member of an Area Council, State House of Assembly or National Assembly from office. Sections 69 and 110 of the Constitution empowers more than one-half of registered voters in the affected constituency to sign a petition and present it to the Chairman of the Independent National Electoral Commission (INEC) stating their grievances.

Following this, INEC would be required to conduct a referendum in that constituency within 90 days to decide the legislator's fate.

However, before this, INEC must adhere to the following administrative checks:

- Ensure that the petition for recall presented is signed and arranged according to polling units, wards, LGA's and constituency
- Crosscheck the signatories that appear on the voters register



RECALL

- Notify the member sought to be recalled stating the receipt of the petition for his/her recall
- Issue a public notice or announcement stating the date, time and location of verification
- Verify the signatories to the petition at the designated location
- Where more than half (50% +1) of the signatories are verified, the Commission goes ahead to conduct a referendum. A referendum in a recall is a direct vote that determines a question for the purpose of removing an elected member of an Area Council, State or National Assembly.
- If the number verified is less than one-half of the registered voters in that constituency, the Commission shall write to the petitioners stating that the petition did not meet the minimum requirements and is therefore dismissed.

It is noteworthy that the recall process is inapplicable to the Governor of a State or the President of Nigeria. They can only be impeached by two-thirds majority of the members of the House of Assembly or National Assembly, as the case may be, before their term of office expires.



CHAPTER NINETEEN

LEGISLATIVE PROCEDURE & MASTERY OF THE RULES

The National Assembly has the power to regulate its procedure, however in their work, they are chiefly guided by the Constitution, Rulings from the Chair, Customary Practice, Standing Orders and Statutes.

Sound procedural knowledge and mastery of these Rules together with a good grasp of legislative conventions and Procedure is crucial to Legislative Effectiveness.

The following chapter will explore some common procedures used in the National Assembly.



CHAPTER TWENTY

DEBATES, MOTIONS AND RESOLUTIONS

Debates allows legislators to voice their views on issues and is designed to assist them to reach an informed decision about a subject or policy.

The decision is expressed in a vote, which may involve the passing or rejection of a bill, proposal or policy. Debates are usually used in certain circumstances such as; after a bill is read for the second time, when motions are raised or when bills are being considered at committee level.

A debate usually takes the following procedure:

- A motion is made and duly seconded
- A question is proposed by the chair in the same form
- A debate arises
- It is agreed to or negatived
- If agreed to, a Resolution expressing an opinion or an order requiring results is passed.



21

CHAPTER TWENTY-ONE

MOTIONS

A motion is a proposal made by a member or a group of members to a Chamber to do something, order something to be done or express an opinion with regards to some matter. A motion may not be entertained if the subject matter is before a competent Court of Law.

Motions may be Substantive, Subsidiary, or Privileged.

- **Substantive or Main motion:** are proposals or questions relating to certain subject matters brought before the House by a member for consideration. Substantive Motions require notice before they can be taken and considered by the House. Notice of a motion is giving when it is listed on the Order Paper containing the business of the day of a legislative House. Substantive Motions are usually subject to debates.
- **Subsidiary motions:** are motions that seek to address, modify or dispose of a substantive motion before it is considered. The propositions in subsidiary motions are usually voted upon before voting on the main motion is taken.



MOTIONS

Examples of its uses include “to lay a Report on the table”, “to amend”, to “refer to a committee”, or to “limit, extend debate or postpone debate on a main motion”

- **Privileged motions:** are motions of such importance that require immediate or urgent consideration. Usually, other businesses of the House are suspended temporarily to hear privileged motions.

Examples of uses of Privileged Motions include:

To call for adjournment of the Senate or House; to suspend the Rules of a chamber; to rise to a point of order; or to call for the Orders of the day to be taken.

Process For Handling A Motion

A motion is handled in the following manner:

1. A member rises and addresses the Presiding Officer. The officer should be addressed as Mr. President, Mr. Speaker or Mr. or Madam Chairman.
2. The Presiding Officer must recognize a member. A member can only present or discuss his/her motion upon being recognized by the Presiding Officer.
3. The member proposes a motion. The motion should begin with "I move that" followed by a statement of proposal. It is not permissible to discuss the merits of the motion either prior to or immediately following the formal proposal of the motion.



MOTIONS

4. Another member seconds the motion. The member simply states, "I second the motion as moved by." If nobody seconds the motion, the Presiding Officer may declare "The motion is lost for want of a second".
5. The House discusses or debates the motion. To speak, a member must obtain the floor in the same manner as when presenting a motion. The Presiding Officer usually allows those speaking in favour of the motion to speak first before allowing dissenting views.
6. The Presiding Officer takes the Vote on the Motion. Before taking the vote, the Presiding Officer asks, "Is there further discussion?" or "Are you ready for the question?"
7. The Presiding Officer then proceeds to take the vote by announcing, "All in favor, say 'Aye'. Then says after that, "Those opposed, say 'Nay'."
8. Afterwards, the Presiding Officer makes a call on the vote based on the 'Aye' and 'Nay' responses.



CHAPTER TWENTY-TWO

RESOLUTIONS

Resolutions are prayers of a Motion agreed to by a Legislative House.

There are three types of resolutions: simple, concurrent and joint resolutions:

- **Simple resolutions** are usually used to express sentiments of a House or to compel a Committee to carry out investigation.
- **Concurrent resolutions** are resolutions passed by both houses, but do not require the agreement of the president.
- **Joint resolutions** are generally passed by both Houses to give effect to constitutional provisions.



CHAPTER TWENTY-THREE

SOME TRADITIONS AND PRACTICES OF THE NATIONAL ASSEMBLY

These are legislative practices that have developed over time through continuous use but not written in the Standing Orders or Rules of each Chamber.

Some of such procedures have developed through precedents, including rulings made by the President of the Senate or Speaker and from resolutions of the National Assembly.

Some examples include:

- **Prayers:** Both Houses begins each sitting with prayers that do not follow any particular faith. The Presiding officer of each chamber has the task of reading the prayers before they begin sitting.
- **Calling the House to Order:** When the House is in a rowdy session, the Chief Whip of the House usually shouts the command 'order' usually to restore decorum and ensure the peaceful conduct of the session.



SOME TRADITIONS AND PRACTICES OF THE NATIONAL ASSEMBLY

- **Announcements:** The President of the Senate or Speaker of the House of Representatives or any other officer presiding over a plenary can bring a notice or pass information to the House usually at the beginning of sitting by way of announcements.
- **Catching the Speaker's Eye:** To participate in a debate or second a motion, Members have to be recognized or called by the President of the Senate or Speaker respectively. Members usually raise their hands in a bid to get the presiding officer's attention.
- **Voting:** During voting, lawmakers respond either 'aye' or 'nay'.
- **Members standing up when the President of the Senate or Speaker enters the Chamber:** The presiding officers are led into the chambers by the Sergeant-at-Arms, bearing the mace, which is the symbol of authority of the Legislature. Members and non-members are expected to rise from their seats to herald the entrance of the presiding officer.
- **General Public in the House Chambers:** The general public is allowed into any part of the chambers or gallery not reserved exclusively for members. The Sergeant-at-Arms may however take into custody members of the public who misconduct themselves or refuse to leave when asked to do so.



CHAPTER TWENTY-FOUR

SOME LEGISLATIVE TERMS

Point of Order

A Point of Order is used to assist a chamber enforce or observe its own rules or established procedure. When a member observes a breach of order or violation of a rule, a Point of Order is raised to insist upon enforcement. A Point of Order must be raised timeously before the irregularity or breach has passed or while the particular question is still pending.

Quorum

This is the number of members required, usually during a plenary session to transact the business of the day and to legally validate any action taken at such session.

Order of Business

This refers to the sequence of the things or issues to be considered at the floor of the House for each legislative day. The Order of Business is set out on the Order and Notice Papers respectively.

Votes

Refers to the formal expression of the collective view or decision of the entire Chamber showing approval or disapproval. It could be by voice, division or recorded.



SOME LEGISLATIVE TERMS

Votes and Proceedings

These are official verbatim minutes of a chamber's plenary sessions.

Veto

The power of the President or Governor of a State to reject or refuse to sign a bill passed by the Legislature.

Standing Orders/Rules

These are written Rules formulated by each House to regulate its own proceedings. It is called "Rules" in the Senate and "Standing Orders" in the House of Representatives. They are mostly temporary and usually lasts until the end of a session or Legislative Assembly.



CHAPTER TWENTY-FIVE

CONCLUSION

We have looked at the various roles and functions of the National Assembly, including its common practices and procedures. We hope you found this guide useful.

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NOTES

NOTES

ABOUT PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria.

PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy.

