

Letter to  
Members of the House of Assembly  
on Procedure  
1957



Dear Member,

I want in these pages to give you some idea of the workings of this House. You may be an old and experienced hand - in which case you may still learn a point or two - or you may be comparatively new in which case you may welcome a short cut to some of the confusing points of being a member. First of all a word about the name. Assembly is a very old word in English and is a phrase of dignity. In the seventeenth century it was much used. The word Parliament in English has always meant the whole Legislature that is both Houses, where there are two, as in the Northern and Western Regions of Nigeria and in the United Kingdom, the House of Lords and the House of Commons. It is therefore wrong to use it of one House only, unless there is only one.

In the North and the West of Nigeria there are two Houses and these have equal powers. Bills can be brought in either of them but they cannot become law until both Houses have approved them. There are arrangements when differences of opinion arise between the two Houses. In the United Kingdom and Northern Ireland by tradition bills and motions regarding money are always brought in first in the 'lower' House (the House of Commons in each case.) In Nigeria so far there is no such tradition but a bill certified by the Governor to be a money bill cannot be started in the House of Chiefs.

Any body of human beings has duties within that body, each member to each other member, and in the case of bodies whose decisions affect the public at large, there are also external duties i.e., those to the public. There are of course also duties between the two Houses, where there are two Houses in a Legislature. Let us look at these duties for a moment. It will be easier to take first of all the duties of the officers of the House and then the duties of the members in their various capacities.

#### The Officers of the House:

The Principal Officers are the Speaker or President, the Clerk and the Clerk Assistant, the Sergeant-at-Arms and the Editors, Interpreters and Reporters.



### The Speaker or President:

Whichever he is called the effect is exactly the same. He is responsible to the members of the House - that is most important - he is responsible to the members of the House and to no one else, - not to the Governor nor to the Government nor to the public outside but to the members alone - for all that goes on in and round the House at all times. To secure this in most things he works through the Clerk who is his Chief Official.

The President is elected or appointed: he may be a member of the House or he may be appointed from outside its members. In either case he represents the will of the House. It is not possible to carry out public business successfully and promptly unless there is a recognised chairman of the meeting - whatever that meeting may be, however great or small, however important or insignificant it may be. Having put him there or having accepted him, the meeting must of course obey him; his instructions must be carried out faithfully and his decisions must be accepted, for he is the voice of the meeting itself.

If you are in doubt you can always go round and discuss matters privately with him and if you are convinced that he is wrong you can raise the matter in the House formally but in this case it is wise to make sure that you have got good support from other members or you may make a fool of yourself. You can of course ask for guidance from the Clerk if you are in doubt as to whether or not you will be in order, before the matter arises.

The essential quality of the President is absolute impartiality; he will help and protect every member but favour no one. When he rises you must sit down at once if you are on your feet addressing the House.

The President carries great responsibility and it is only right that members should not make things difficult for him. He should not be placed in an embarrassing position, for do not forget that he carries the dignity of the whole House with him. In the House, that is while the sitting is going on, it is his duty to see that the business before the House is carried through as promptly and as efficiently as possible, always bearing in mind that every opportunity must be given for the expression of all shades of opinion: this does not mean that every member should talk - far from it. It is too much to ask members not to talk, for your constituents will expect you to be on your feet



quite a bit but try and add to the debate and, if you can't then be brief.

It is the President's duty to see that the Standing Orders are obeyed in a sensible way and it is the duty and privilege of the House to help him to carry this out by calling attention to apparent breaches of the orders. He is not a 'policeman' to be forever chasing offenders. That would put him in quite a wrong position. But he must see that public business is carried out efficiently and with dignity.

He is not responsible for the contents of the 'Order Paper' which is the programme of the business to be laid before the House during that day. It is for the Government to plan this and to hand the programme to the Clerk. The business must follow the order of subjects laid down in Standing Orders but within each subject it is for the Government to say what items they wish to take first.

Private members' motions are usually taken in the order in which the Clerk receives them but sometimes they are grouped together.

As a rule all the Government business to be put to the House is first discussed and approved by the Executive Council as a whole; thereafter it is the responsibility of the 'Minister in charge' to steer it through the House. All financial proposals must be first approved by the Governor-in-Council and the mover must say formally that he is commanded to introduce the matter to the House.

Once the end of the subjects on the order paper is reached, the House must adjourn until the next day; if the last is not concluded before the 'moment of interruption' is reached that is 15 minutes before the time laid down for the rising of the House - business remaining (except as below) is carried forward to some future day to be suggested by the mover and agreed by the President.

In that last 15 minutes it is possible for anything that remains on the order paper to be put and carried provided that it is not controversial. Such bills and motions can be moved and seconded and, if there is no voice against, they can be discussed briefly and passed. But if even one member objects, a subject cannot be proceeded with and must be put off to another time. Subjects which are obviously controversial cannot be started at that time but matters of importance, which do not require a decision, can be discussed on the



motion for adjournment. In this case notice must be given in the morning, so that the Minister concerned, or his Parliamentary Secretary can be present to listen and reply, if they so wish.

If the President and the deputy President are both out of the chair, the House is no longer legally sitting.

The Deputy President is a member who is appointed to help the President in the House, by taking over the chair from time to time. When he is in the Chair he has exactly the same authority as the President himself and must be obeyed in the same way, but when he is not presiding he has no special authority, unless the President is sick and not able to carry out his duties. The Deputy President is of course also deputy chairman of committees.

The President is naturally only responsible for what goes on in and around the House of Assembly. Where the two Houses use the same chamber, he must always work in unison with the President of the House of Chiefs on matters which affect both Houses and even if they have separate Chambers but they work with the same staff, there must be much which they deal with in common.

The Clerk is responsible to the President for all that goes on in the House and for the staff of all grades. He has to carry out the duties given him in Standing Orders and also all the financial duties that come automatically to him. He is the accounting authority for the money voted for the service of the Legislature: he pays members their allowances and so on and is responsible for paying the staff and making all payments due to be made. He is the head of a staff common to both Houses and is therefore responsible both to the President of the Assembly and the President of the House of Chiefs.

He has to help members as much as possible and it is to him and his staff that members first apply for guidance or for anything they can legitimately ask for. The President is the final appeal: if a member is dissatisfied with the Clerk's answer or actions, he can appeal to the President, or in the final resort he can of course put down a motion, should he feel sufficiently aggrieved, for the consideration of the House. The clerk is important too because he is permanent and the President is not. The Clerk therefore has more experience of the House's affairs and of the precedents than has the President and often the President must turn to him for advice. The President,



of course, once he has that advice, must make up his own mind as to how he acts; the Clerk is not responsible for that. But do not be misled by the title Clerk: believe me, he is no ordinary clerk.

The Clerk Assistant is the Clerk's understudy and representative and acts for him if he is away. He has other clerks subordinate to him who are often called Clerks of the Table. Between them they are responsible for the records of the House.

The Editor of Hansard and his assistants are responsible to the Clerk for the recording and publication of the full record of the debates of the House. Each member should have a copy of the first part of the previous day's debates on his table on the following morning. As these are produced very quickly, there are bound to be mistakes and members should therefore point them out at once to the Editor's office. It is a great help if members, who have copies of their speeches written out in advance, will hand them to the Editors after they have finished their speeches: also if the Editors send a member a copy of the report of his speeches, he should correct it at once and send it back: a number of small delays may make much extra work for the staff and the Printer.

The Sergeant-at-Arms is responsible for the discipline of the House. In the United Kingdom this is a post of great dignity and is held by retired officers of high rank; he is appointed by the Sovereign and is her Servant. He deals with the staff of the House and the accommodation and the galleries. In Nigeria he is appointed by the Speaker or President and is subordinate to the Clerk. Strictly speaking he should be in charge of the police of the House, but so far Nigeria Police usually serve in the House during meetings. He carries the mace in front of the President when he enters the House and puts it under the table during committee and replaces it afterwards and removes it at the end of the sitting.

The Sergeant at Arms is in control of the subordinate staff of the Legislature and sees that everything is clean and tidy. In this he is responsible to the Clerk. It is he who has to remove a member who is unfortunate enough to be 'named' by the President and to ensure that he does not again take his seat in the House until his return is approved.

The general conduct of the House in session is governed by the Standing Orders. In the first instance,



where a new legislature is created, the practice is for these orders to be drawn up by experts and to be approved by the Governor. They are based on Westminster practice, simplified to meet local conditions and as such have a degree of arbitrariness. But don't forget that, as soon as the new House has settled down to its work, it can, if it wants to do so, look over the Standing Orders and make proposals for changes. In practice this is seldom done as the Orders are sensible and for the most part are easy to apply. In fact the old Orders still continue in use in self-governing territories after they have reached independence. This means of course that the House has had a chance of altering the Rules but has not done so and therefore it can be said that the House tacitly accepted the Orders as though they were of its own creation.

The passage of time and the alteration of constitutions make changes - usually minor ones - necessary. A member then puts down a motion proposing the words of such changes as may be desirable and this is at once referred to the Standing Orders Committee - a Committee of the House. They consider the proposals in all their aspects and implications and send back their recommendations to the House in the form of a Report. This can be debated in the ordinary way and voted upon. If the motion is carried the Orders are then altered. You will appreciate that the Committee is by no means bound to agree that a proposed change is useful or reasonable and may recommend, if it wishes, that the matter be dropped.

You should study Standing Orders - and watch how they are applied in practice. If you are in doubt about the application of an order, which may be important to you, you can go along and consult the Clerk or his staff as to its meaning. Quite a lot of orders are so seldom used that you really need not worry about them and the President is almost certain to explain the matter should a little known rule be applied. The House is of course supreme over its own Orders, as it is over everything else within its walls, and can therefore temporarily suspend any of its Orders, if there is good cause: but if they are unsuspending they must be enforced.

Besides the Orders the President is bound in general to follow the 'practice of Westminster'. There is a massive book called 'Erskine May' which goes into minute detail on the House of Commons procedure, as hallowed by centuries of hard practice in that place. There is a great deal that goes on in Westminster that is never likely to arise in your Legislature



so there is no need to bother too much about this. But there is also quite a lot of useful detail which you will learn as time goes on.

The House is itself responsible for the proper carrying out of the Standing Orders. The President is the instrument of the House, and, as I have said above, it is the duty of the House and its members to see that other members do not break its own Orders. While he cannot shut his eyes to flagrant breaches of the Orders, it is for the members to interrupt by rising in their seats, with a cry of "Point of Order, Mr. President". The Member speaking must give way and sit down while the interrupter explains his point. If the President agrees the member interrupted cannot go on with the breach pointed out but must mend his ways. If the President does not accept the Point of Order, then the member interrupted goes on as though he had not been interrupted.

A member may interrupt a member speaking to ask a question or clear up a mis-understanding, but he cannot do this unless the member speaking 'gives way' to him and sits down. This is not compulsory and he can continue if he wishes. In this case the interruption fails. The interruption cannot in any case become itself a speech.

I have mentioned Committees. The first thing that a Legislature does is to choose a Committee of Selection at the beginning of each session. You will see that most of the members of this committee are laid down in standing Orders but the balance are elected by the House, on each occasion. As soon as it is chosen, the Committee of Selection, on its first meeting in each session, selects the members of the Standing Committees as shown in the Standing Orders; the most important are the Standing Committee on Finance and its sister the Public Accounts Committee. These are, where there are two Houses, 'joint' committees with equal members from each House. The first considers the spending of public money and gives authority, if it wishes to do so, for extraordinary expenditure. The other considers and examines the expenditure of public money after it has been spent and makes sure that it was correctly spent.

All committees act by laying their reports before the House where they may be debated and voted on. You should however remember that these committees are set up to save public time and the time of the House and that too much criticism of their recommendations or actions, is, in a way, a censure and