

**16 YEARS OF LAW MAKING IN THE NATIONAL
ASSEMBLY: AN ANALYSIS OF BILLS PROCESSED
2011 - 2015**

**National Institute for Legislative Studies
National Assembly
Abuja**

**16 YEARS OF LAW MAKING IN THE NATIONAL ASSEMBLY: AN ANALYSIS
OF BILLS PROCESSED, 2011-2015**

Volume 4

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PREFACE

The National Assembly remains a key arm of government whose primary functions are law making, oversight and representation. Considering the importance of law making among the functions, the Policy Analysis and Research Project (PARP), the predecessor of the National Institute for Legislative Studies (NILS), undertook, in 2010, an assessment of 10 years of law making in the National Assembly under the current democratic dispensation. The output was published as “10 Years of Law Making in the National Assembly, 1999 - 2009: An Analysis of Bills Processed”. This was followed by “12 Years of Law Making (4th – 6th National Assembly): An Analysis of Bills Processed”, Vol. 2. The latter is an update of the former, but both publications attempted to document in an analytical manner the level of activity on the law making function. Vol.3 of the Series, titled “14 Years of Law-Making in the National Assembly, 1999 – 2013: An Analysis of Bills Processed,” updates the information in Volume 2 by two legislative years to May 2013. The current Volume 4 updates the information in Volume 3 by two legislative years up to mid-2015. As much as possible, each edition of the series contains robust information on law making activities from 1999 to the last year of the period covered. To aid the reader with respect to context and procedures, basic concepts and legislative procedures are necessarily provided in each edition. Each edition is designed to be of immense value to legislators, policy makers and academics alike.

The information in this publication shows that both chambers of the National Assembly have been very active in processing bills, and the tempo heightened in the first half of the 7th Assembly. For example, during this period, 321 and 488 bills were introduced in the Senate and House, respectively, compared to 181 and 265 bills, respectively, in the second half of the 6th Assembly. Very significant proportions of the bills were read first time. And over 50% of the Bills introduced are private members Bills. This contrasts to the situation in many State Assemblies where most Bills introduced are Executive Bills. However, in both Chambers the proportion of bills passed is low but is slightly higher in the House of Representatives. In the House, the number of members’ bills sponsored is more than the executive bills. The proportion of such bills passed is also more than the

executive bills, especially in the last 9 legislative sessions. But in the Senate while the number of members' bills introduced is more than the executive bills, a higher proportion of the Executive bills was passed; this was the case in most of the years. Generally, the data presented in the book show clearly that members have low capacities to get the Bills to be passed and enacted into law. Another issue of note relates to the gestation period for bills before being passed. Some bills were passed in a short period, especially simple and uncontroversial bills. The same thing applied to executive bills relating to emergency situations. But many other bills took much longer period, sometimes up to 3 years. Long gestation periods for passing bills result in delayed realization of the expected benefits from the bills. Therefore, the various factors that constrain the quick passage of bills need to be addressed and remedies provided. Overall, the National Assembly's score card in law making is good but there is room for significant improvement.

This edition was produced by Dr. Jake Dan-Azumi and Mr. Terfa Gbahabo following the pioneering efforts of Prof. Mike I. Obadan in producing the earlier volumes. Prof. Obadan also reviewed the current edition. The assistance provided by various committees and departments of NASS with respect to data is deeply acknowledged. Deeply appreciated, in particular, is the assistance from Barr. D.T Adem, Director, Legal Services Department, and Dr Ogozy Nma, Head, Table Office, Senate.

Dr Ladi Hamalai, MFR
Director-General

May 23, 2016

ACRONYMS

- BPP - Bureau of Public Procurement
- EFCC - Economic and Financial Crimes Commission
- FCT - Federal Capital Territory
- GDP - Gross Domestic Product
- ICT - Information Communication Technology
- MDAs - Ministries, Departments and Agencies (of Government)
- NAFFA - National Agency for Foreign Assistance
- NASS - National Assembly
- NDDC - Niger Delta Development Commission
- NGOs - Non-governmental Organisations
- NILS - National Institute for Legislative Studies
- NV - Nigeria Vision
- PARP - Policy Analysis and Research Project
- PIB - Petroleum Industry Bill
- SAN - Senior Advocate of Nigeria
- US - United States
- USA - United States of America
- USAID - United States Agency for International Development

CHAPTER ONE

INTRODUCTION, CONCEPTUAL AND PROCEDURAL FRAMEWORK

1.0 Preamble

Of the three arms of government in Nigeria, namely, the Executive, Legislature and Judiciary, it is the Legislature that is vested with the power of law-making. The legislature is represented by the National Assembly (Senate and House of Representatives) at the Federal level and State Houses of Assembly at the state level. Although the legislature performs three key functions, namely, law-making, representation and oversight, it assumes its primary importance as a law-making body. Section 4(2) of the 1999 Constitution of the Federal Republic of Nigeria provides that the “National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive list set out in Part 1 of the Second Schedule to this Constitution” (See Annex 1). In addition, and without prejudice to the powers conferred by sub-section (2), the National Assembly also has powers to make laws with respect to the following:

- any matter in the concurrent legislative list set out in the first column of part II of the Second Schedule to the Constitution to the extent prescribed in the second column thereto; and
- any other matter with respect to which it is empowered to make laws in accordance with the provisions of the Constitution.

At the State level, the State House of Assembly is empowered by Section 7 of the Constitution to make laws for the peace, order and good government of the state or any part thereof with respect to the following matters:

- i) any matter not included in the exclusive legislative list set out in Part 1 of the Second Schedule to the Constitution;

- ii) any matter included in the Concurrent Legislative list set out in the first column of Part II of the Second column opposite thereto; and
- iii) any other matter with respect to which it is empowered to make laws in accordance with the provisions of the Constitution.

The primary instrument for making laws is the Legislative Bill. Section 58(1) of the Constitution expressly states this to the effect that “the power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and, except as otherwise provided by subsection 58(5) of the Constitution, assented to by the President. Section 58(5) provides that where the President withholds assent and the bill is again passed by each Chamber by two-thirds majority, the bill shall become law and the assent of the President shall not be required. Similarly, in the case of a State, the power of the House of Assembly to make laws is exercised by bills passed by the House (of Assembly) and, except as otherwise provided by Section 100 (5), assented to by the Governor. Thus, bills are central to the work of the Legislature and for gauging the volume of its activities and the productivity of its members.

In the early phase of the current democratic dispensation which commenced in 1999, concerns were expressed about the effectiveness of the legislature at all levels in the sphere of high quality law-making. Indeed, some Nigerians passed uncomplimentary comments relating to the National Assembly’s tardiness and its low performance (NASS, 2008: 62). Others, however, tended to show some understanding considering the relative newness of the Legislature and the fact that law-making globally is a complicated process. According to Williams (2013), “in 1999, the legislators stormed Abuja without much experience from the past. The legislature had been embargoed since the aborted Third Republic in 1993, creating an institutional memory shock for representative governance. Those who came to Abuja in 1999 were largely without relevant experience”. Sixteen years into the resumed democratic governance in Nigeria, the issue of inexperience continues to feature in law making because of the phenomenon of persisting high turnover of legislators. Insights from the 7th National Assembly (2011-2015) which was inaugurated on 6th June, 2011, illustrate the point. Out of the 109 Senators of the Senate, 36 were re-elected while 73 were elected for the first time (67.0%

turnover rate). Out of the 360 members of the House of Representatives, 100 were re-elected while 260 were elected for the first time (72.2% turnover rate).

Against the above background, this study reviews the performance of the National Assembly through bills processing and passage in the 4th – 7th National Assemblies spanning the period, 1999 – 2015. This volume updates the Law Making Series with data from the third and fourth sessions of the 7th Assembly, 2013 – 2015 since the first three volumes of the “Analysis of Bills Processed” Series had covered the period, 1999 – 2013. However, cumulative data is provided for the entire period. The book is structured as follows: the rest of Chapter 1 provides the conceptual and procedural framework. It examines the concept of bill, sources and types of bill and the procedures for passing a bill. In Chapter 2 is a discussion of the processing of bills in the Senate. To this end, the specific issues discussed are output of bills, bills passed and classification of bills by objectives. Chapter 3 undertakes the same type of analysis for the House. In Chapter 4, an attempt is made to provide an answer to the question, “How many Bills ended up as Acts”? Chapter 5 discusses the significance of the bills/Acts and land mark legislation from 1999 to 2015. Chapter 6 compares performance on bills processing in Nigeria with some other parliaments. Chapter 7 concludes the book by discussing some subsisting issues of concern and challenges. It also contains concluding remarks.

1.1. Concept of a Bill

A bill, in the context of legislation, has been described as an idea for a new law, or an idea to change or do away with an existing law. In this direction, the Oxford Advanced Learners’ Dictionary, New 7th Edition (2006), considers a bill as a written suggestion for a new law that is presented to a country’s parliament so that its members can discuss it. However, a bill does not relate to only new proposals, ideas, programmes or policies. It may also relate to the following:

- seeking to modify, amend or otherwise revise existing laws;
- seeking to consolidate existing laws on a particular subject;
- continuing an expiring legislation; and
- constitutional amendments.

In the Nigerian context, a bill is the draft of a proposed law to be discussed by the National Assembly or by a State House of Assembly. As was noted earlier, the power to make bills derives from Sections 58, 59 and 100 of the Nigerian Constitution. Such power is also subject to the legislative procedures under the Standing Rules/Orders of the Houses.

The ideas for legislation through a bill, come from government, elected officials, businesses, non-governmental organizations, lobbyists, and citizens. In other words, anyone – a private citizen, business outfit, professional association/non-governmental group, special interest group or even a governmental unit - can propose an idea for a bill for legislation. But all bills to be considered by the legislature must be sponsored by one or more legislators. In Nigeria, bills enter the legislative process through the House of Representatives and Senate at the federal level, and the House of Assembly at the State level. At the federal level, bills must pass through both chambers of NASS. Essentially, two groups of elected citizens – 109 Senators and 360 House of Representatives members – study, discuss and vote on bills at the federal level. Differing numbers do so at the State level. In doing so, they act for the people of Nigeria. The bills drafted, considered and eventually passed into law cover various spheres of the economic, social, political and cultural lives of the Nigerian people. These are reflected in the Second Schedule (Parts I and II) of the 1999 Constitution of the Federal Republic of Nigeria (see Annex 2).

1.2 Sources and Types of Bills

Bills may originate from the executive arm of government, members of the legislature, interest groups/ associations/citizens, and the Judiciary (NASS, 2004; Dunmoye, Njoku, Alubo, 2007). These sources give rise to different types of bills.

- i. **The Executive:** This is a veritable source of legislative bills. Proposals can emanate from the Presidency, Ministries, Departments and Agencies (MDAs). The Ministers and Commissioners have responsibility for determining the scope and content of bills while civil servants are responsible for working out the details. The draft bills are deliberated upon at the cabinet and when approved, are forwarded by the Chief Executive to the Presiding Officers of the Legislature. Essentially, bills from the executive are known as

executive bills as they are initiated by or from the President, Governor or any arm, department, or agency of the Government. They are introduced into the Assembly as a legislative proposal from the Executive.

- ii. **Members of the Legislature:** Bills initiated by a member or members of the legislature and introduced into the Assembly as a legislative proposal of the member or group of members are known as members' bills. A member's ideas for legislation may originate from electoral promises made during political campaigns. After election he/she may obtain more ideas to promote a new legislation or to amend existing legislation or replace an obnoxious law. Such ideas may derive from pressing societal problems of concern relating to the economy, social development, governance, security, citizens' welfare, etc.
- iii. **Interest Groups/Associations:** These groups generate bills which are known as private bills. A private bill, in this context, is a bill other than Executive or member's bill. The interest groups/ associations consist of organizations and professional associations whose jobs are to protect the interests of their members, for example, the labour unions, teachers' associations/ unions, medical associations, chambers of commerce, regulatory institutions of the professions, etc. Any of these bodies may present a proposal in the form of a bill to a legislator, requesting him/her to sponsor the bill. This is because bills can be presented on the floor of the legislative chamber by only a legislator.
- iv. **The Judiciary:** Bills originating from this arm of government are few and far between for obvious reasons. Essentially, what the Judiciary does is to pass the bill to the legislature through the Chief Executive or convince a member of the legislature to sponsor the bill.

Apart from categorizing bills by source as above, bills can also be classified in terms of focus. Accordingly, three types may be identified:

- a) **Public bills:** These are bills that are of general application. They affect every person belonging to the targeted group.

- b) **Private bills:** These are bills that are geared towards the particular interest or benefit of some persons or bodies of persons.
- c) **Hybrid bills:** These are bills which affect the private interests of particular persons or corporate bodies as distinct from private interests of all persons in the particular category to which those individuals or bodies belong.

Finally, bills may be classified, according to financial implication, into money bills and ordinary bills. A money bill relates to defined matters in the Constitution, for example, powers and control over public funds (Sections 80 – 84). On the other hand, an ordinary bill relates to matters not specified there in.

1.3 Procedure for Passing a Bill in NASS

The passing of a bill entails several stages. No bill can become law or an Act until it has received the approval of the legislature after going through several stages. A review of these stages is important in the context of the Law Making Series for it is sometimes the rather tortuous nature of some of the stages in the course of processing a bill that tends to diminish the output of bills successfully considered.

1. Receipt of Bill

a). Bill from the Executive and Judiciary

Draft bills from the Executive and Judiciary are forwarded with a covering letter to both the President of the Senate and Speaker of the House of Representatives. Upon receipt, a copy of the Bill is sent by the Presiding Officer of each House to the Rules and Business Committees of the Senate and the House of Representatives.

b). Draft Bills from Members of NASS

The draft bill is forwarded by the member to the President of the Senate or Speaker of the House as the case may be. They, in turn, send the bill to the Rules and Business Committees for scheduling for First Reading and subsequent Readings. Box 1.1 contains a summary of the procedures for passing a bill by NASS.

2. Notice Regarding Bills.

Bills from the Executive and Judiciary as well as members' bills are expected to be published in the Official Gazette. The Senate also has provision for private Bills. For a members' bill, the member has to accompany the Bill with a covering letter of his/her intention to introduce the Bill.

Box 1.1: Procedures for Passing a Bill by NASS

Bills received

- Draft proposals from the Executive
- Draft proposals from the Judiciary
- Draft proposals from the Members
- Notice regarding Bills

Reading of a Bill

- First reading
- Second reading
 - Committee Stage (Referral to a Standing Committee)
 - Public hearing (if subject matter is controversial or of sufficient importance)
 - Committee of the whole House
 - Direct treatment of a bill by Committee of the Whole House after second reading
 - Consideration of additional new clauses

Final stage

- The report stage
- Third reading
- Clean copy of the Bill
- Conference Committee Rule 87, Standing Rules of the Senate, 2003
- Bills must be passed in identical form by both Houses, if not there must be a conference to resolve the differences.
- Conference Reports
- Assent by the President of the Federal Republic of Nigeria.

Source: PARP, 2007

3. Readings/Stages of a Bill

Every Bill must receive three Readings before it is passed, viz, First Reading, Second Reading, and Third Reading. Each Reading entails series of actions to be undertaken. Thus, for example, after the Second Reading, the Bill must pass through a number of sub-stages before the Third Reading which

is the Final Reading. The various stages require appropriate time for scrutiny of the required activities.

a) First Reading

This is considered as a formal stage only. On the day scheduled for the First Reading, the Clerk of the House is called upon by the Presiding Officer to read the short title of the Bill. The Presiding Officer reads the short title of the Bill and declares the Bill read for the First time. No debate takes place during this First Reading. A convenient date is given by the Rules and Business Committee for a Second Reading to give Members sufficient time to study and digest the contents of the Bill. Meanwhile, the Bills Officer examines the Bill to see that it complies with the Rules of the House or Senate.

b) Second Reading

- During this Reading, the House or Senate commences consideration of the Bill's general principles and its import, and decides whether to give or withhold provisional approval. The member in-charge of the Bill (in the case of government bills – the Majority Leaders of the House/Senate; and in the case of a member's Bill – the member sponsoring the Bill), on the appointed day moves a motion "that the Bill be now read a Second Time". He highlights the objectives of the Bill and other important features.
- A debate ensues. Following this, two developments may occur:
 - Objection by a member to the Bill through an amendment which succeeds in which event the Bill is killed and cannot be re-introduced in the same session.
 - The motion for a Second Reading is agreed to after exhaustive debate (which may take days or weeks), the Bill is declared by the Presiding Officer to have been read a Second Time.

Consideration by Committees after the Second Reading

i) By a Standing Committee

After the Second Reading the Bill is committed to an appropriate Standing Committee(s). Annex 2 has a list of the Committees in the first half of the 7th Assembly. A Bill could be jointly referred to two or more committees where it (Bill) touches on their jurisdictions. A public hearing is sometimes conducted at this stage, especially where the subject matter is controversial or of sufficient importance. After the Bill has been considered by the relevant standing committee, it is placed on the House Calendar for the committee to report to the House. The report is presented on a fixed date by the Chairman of the Committee and about five days are allowed for members to study the Report and prepare their own amendments where they do not agree with the amendments of the Committee. Then, at an agreed date, the Committee of the Whole House considers the committee's Report on the Bill with the proposed amendments.

ii) **By a Committee of the Whole House**

Rather than the Bill being assigned to a standing committee after the Second Reading, it can be committed in a committee of the Whole House. When a Bill is directly committed to a Committee of the Whole House, it may be taken forthwith or on a future date as may be determined by the Committee on Rules and Business. When a Bill is non-controversial, the Committee of the Whole may take it up immediately. But for a contentious Bill, where members have prepared a spate of amendments, the Rules and Business Committee schedules fixed dates for the sittings of the Committee of the Whole. The Chairman calls the clauses one after the other for consideration and decision.

c) **Final Stages/Third Reading**

- i) **The Report Stage:** At the conclusion of the proceedings in the Committee of the Whole, the leader of the House moves the motion "That the Chairman do report the Bill". The leader of the House then moves that the Report of the Committee of the Whole be adopted. If it is so adopted, the Bill is ready for Third Reading.
- ii) **Third Reading:** When a Bill has been reported from a Committee of the Whole House, it is ordered to be read the Third time forthwith, or upon such day as the Rules and Business Committee may appoint, except a motion for re-committal is carried. At

this stage, although amendments may still be proposed, these are hardly major amendments, and invariably the Bill passes the Third Reading once the question is put.

- iii) **Clean Bill:** When a Bill originating in either the House or Senate has been read the Third time, a copy of it (incorporating all amendments) called the “clean copy”, signed by the Clerk, and endorsed by the Presiding Officer is forwarded by the Clerk of the originating House/Senate to the Clerk of the other House/Senate with a message desiring the concurrence of the Senate or the House, as the case may be.
- Where the amendments proposed by one are acceptable to the other when the bill has gone through all the required stages in the other House, the Clerk of the House to which the Bill had been sent retains the Bill and sends a message to the originating House indicating agreement to the Bill without amendment.
 - Where the Bill passed by one House is not agreed to by the other House or is agreed to with amendments to which the other House now seeks concurrence of the originating House, but the originating House does not concur to the other House’s amendments, a conference of both Houses is then requested by the originating House.

Conference Committee

This becomes necessary where the second chamber makes changes to a Bill and the first chamber does not agree and the second chamber refuses to remove the changes it made. The conference committee, made up of representatives of both chambers, attempts to reconcile the differences and presents its recommendations in the form of a conference report. If this committee reaches a compromise and both chambers adopt the conference committee report, the Bill is once again voted on for passage. Essentially:

- Where both Houses agree in Conference and the conference reports are accepted by both Houses and all issues resolved, each House re-passes the Bill incorporating all conference amendments and endorsed by the Houses. Subsequently, all the original papers are transmitted to the Clerk of the House in which the Bill originated for enrolment action.

- Where the two Houses fail to agree after a Conference, then another conference committee may be appointed or the initiative dies in committee when the legislature adjourns.

Finally, when a Bill has been passed in identical form by both Houses, a copy is prepared for the President's/Governor's assent as the case may be. The Chief Executive signs the Bill if he/she is satisfied.

CHAPTER TWO

BILLS PROCESSING IN THE SENATE

Sixteen years into the resumed democratic governance in Nigeria, the country has continued to grapple with serious issues in the economic, political, social and cultural spheres. Some of these issues which are of national and local concerns have even attracted international concerns, for example, the current threat to national cohesion and integration posed by insurgency and insecurity in different parts of the country. Recently, these engaged the attention of the executive and legislative arms of government which passed legislations imposing emergency rule in some parts of the country. Under the circumstances, however, the Nigerian National Assembly has tended to be very active legislating not only for the peace, order and good governance of Nigeria but also for the much desired economic and social development of the country. The efforts at legislation are reflected in the Bills processed and Acts enacted. An idea for legislation begins its journey to becoming law as a Bill. At the federal level in Nigeria a Bill has to pass through both Chambers of NASS in order to become law. In this chapter, the activities of the Senate in relation to bills are discussed. In the following chapter, performance of the House of Representatives on bills processing and passage is examined.

2.1 Overview of Bills Processing in the Senate, 1999 - 2015

The legislative activities of the Senate relating to bill making show an upper chamber that has gradually developed capacity and acquired confidence in initiating and processing bills. Accordingly there has been a significant growth in the number of bills received in the Senate: 162 in 2012/2013 and 197 in 2013/2014 compared to only 39 in 1999/2000 when most of the legislators had little or no experience on the job. Table 2.1 shows a summary of the bill processing activities of the Senate over the period, 1999 – 2015. A total of 1,788 bills were received in the Senate out of which 1,633 or 91.33 percent were read first time and 943 (representing 52.74 percent) second time. This means that 47.26 percent could not get to the third Reading stage during which they could have been passed.

Table 2.1: A Summary of Status of Bills Received and Considered in the Senate, June 1999 – June 4 2015¹

| Category of Bills | Number of Bills | Percentage of Total Bills Received |
|---|-----------------|------------------------------------|
| Bills Received | 1,788 | |
| Executive Bills | 458 | 25.62 |
| Members' Bills | 1,330 | 74.38 |
| Bills Transmitted from House for Concurrence (Received) | 149 | 8.33 |
| Bills Read 1 st Time | 1,633 | 91.33 |
| Bills Read 2 nd Time | 943 | 52.74 |
| Bills Withdrawn | *40 | 2.24 |
| Bills Negatived | *27 | 1.51 |
| Bills Referred to Committees | 592 | 33.11 |
| Bills Passed | 390 | 21.81 |
| Executive Bills Passed | 173 | 9.68 |
| Members' Bills Passed | 217 | 12.14 |

Source: Underlying data from Senate Committee on Rules and Business

Out of the bills presented only 390 or 21.8 percent were passed. A total of 27 bills were negatived or rejected at the Second Reading Stage. It is important to note that data for the number of bills negatived for both the third and fourth sessions of the 7th Assembly were not available, and so not included. With respect to bill sponsorship, 74.38 percent (i.e. 1,330) of the bills received were members' bills while 25.62 percent (i.e. 458) were Executive bills. Although the number of members' bills presented was far more than the executive bills, the number of Executive bills passed constituted 44.36 percent of the total bills passed compared to 55.64 percent of total bills passed.

¹ Data were derived from the Bill Progression Chart of the 7th National Assembly (June 2011-June 4 2015). The figures captured were based on available data.

Note: *there was no available data for 3rd and 4th sessions of the 7th Assembly; these were indicated in the remark section of the Bills progression chart.

Also, the number of members bill received was far greater than that of executive bills received, while the proportion of the number of members bills received was almost three times higher than that of executive bill received (see Table 2.1 and Figure 2.1). This raises the issue as to whether or not executive bills attract priority consideration in NASS compared to members' bills. One school of thought has it that strong institutional backing supports executive bills unlike members' bills. The follow-up by Ministries, Departments and Agencies (MDAs) expedite consideration of their bills. In other words, they are able to lobby or mobilize support for their bills. Another point of view is that executive bills tend to process faster than members' bills because the former are policy intendments of government aimed at improving government performance and service delivery.

Figure 2.1: Classification of Total Bills Passed in the Senate by Sponsorship, June 2009 – June 4 2015

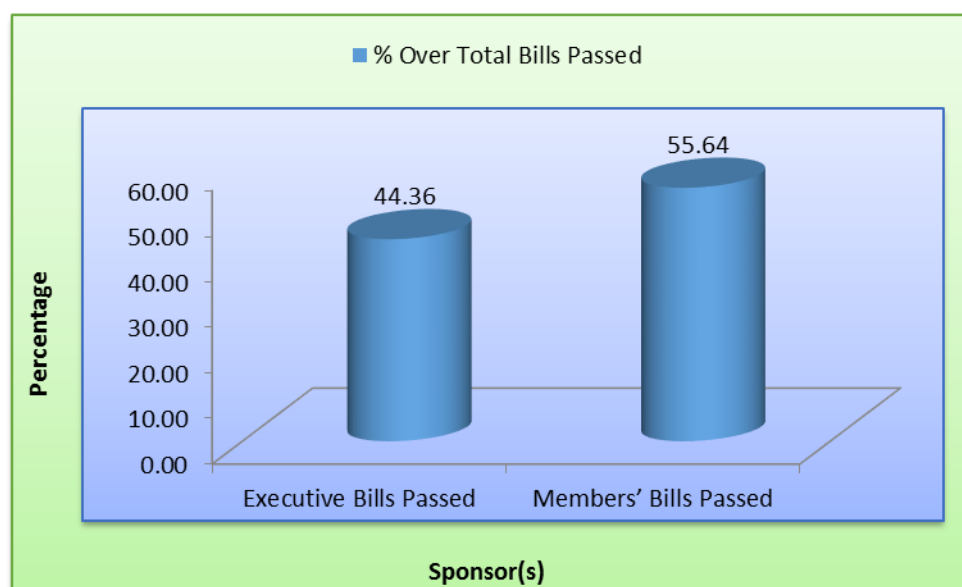


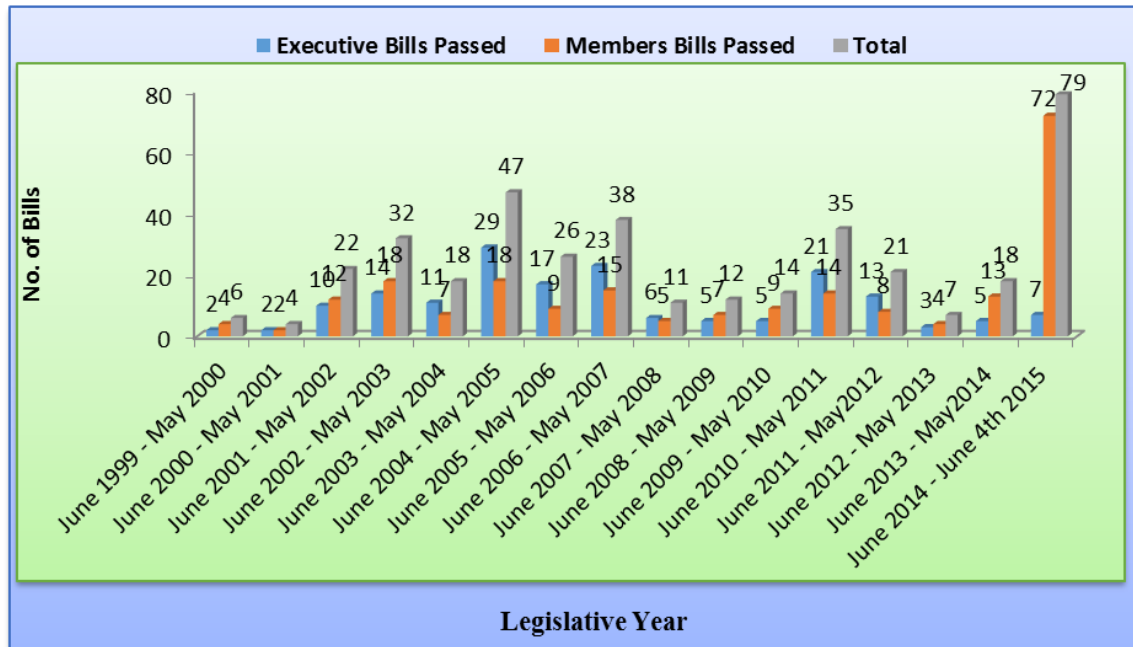
Table 2.2 shows the details of bills presented and considered in the Senate on annual basis². Considering that the legislative year is June to May, with the exception of the 2014/2015 legislative

² Data were derived from the Bill Progression Chart of the 7th National Assembly (June 2011-June 2015). The figures captured were based on available data.

Note: NA means that there was no available data for that category in the 3rd and 4th sessions of the 7th Assembly; these were indicated in the remark section of the Bills progression chart.

year which commenced in June and ended on June 4, 2015, figures in the table refer to the NASS legislative year, for example, 1999 – 2000.

Figure 2.2: Classification of Bills Passed in the Senate by Sponsorship, on Annual Basis, June 1999 – June 4 2015



A number of observations are notable. First, in general, there is significant growth in the number of bills received and read for the first time, indicating increasing legislative activism on the part of the senators. Yet, the number of bills received and read for the first time in the fourth session of the Seventh Assembly dropped considerably. One factor that could account for the low performance with respect to the number of bills received and read for the first time is that the fourth session (2014/2015) of the 7th Assembly was an election year, and this could have affected the legislative activity in the chamber. The number of bills received and read first time in 1999 which stood at 39 is far less than the averages of 111.7 and 99.6 bills received and read, respectively, for the entire

The Constitution Alteration Bills passed by the Senate are captured and counted several time, despite that they were passed as Consolidated Constitution Amendment Bill, meaning the separate bills were supposed to be counted as 1 bill. In total, 8 Constitution (Alteration) bills were passed as Consolidated Constitution Amendment Bill in the Senate in the 7th Assembly: with 3 (SB. 77 [2011]; SB 107 [2012] and SB 261 [2013]; SB. 263 [2013) Constitution Amendment Bill passed in in the 3rd session and 5 (SB.77 [2011]; SB. 298 [2013]; SB. 379 [2013]; SB. 455 [2014]; Constitution Alteration Bills passed in the 4th session.

period. Secondly, out of the 1,633 bills read first time, only 52.74% were read a second time, thus portraying a serious disconnect between the introduction of bills and subsequent actions on the bills. It is encouraging that members' bills comprised a significant proportion of the bills presented during the period (74.38 percent), but as was observed in Vol. 2 and 3 of Law Making Series, the implication of the low number of bills read second time is that the high enthusiasm to introduce new bills is not backed with efforts to mobilize support for the bill or that the sponsors had not shown sufficient interest to follow-up. This is not helpful to improving the public's perception of law-makers and law-making which sometimes tends to be poor. This perception, therefore, needs to be changed with more productive law-making activities.

Table 2.2: Status of Bills Presented and Considered in the Senate, June 1999 – June 4 2015

| Status of Bills | June 1999- May 2000 | June 2000- May 2001 | June 2001- May 2002 | June 2002- May 2003 | June 2003- May 2004 | June 2004- May 2005 | June 2005- May 2006 | June 2006- May 2007 | June 2007- May 2008 | June 2008- May 2009 | June 2009- May 2010 | June 2010- May 2011 | June 2011- May 2012 | June 2012- May 2013 | June 2013- May 2014 | June 2014- 3 June 2015 | Total |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------------------|-------|
| Bills Received | 39 | 56 | 86 | 69 | 102 | 122 | 124 | 78 | 110 | 186 | 113 | 68 | 159 | 162 | 197 | 97 | 1788 |
| Bills Read 1 st Time | 39 | 56 | 73 | 59 | 84 | 112 | 124 | 57 | 108 | 174 | 113 | 68 | 159 | 138 | 174 | 95 | 1633 |
| Bills Read 2 nd Time | 26 | 23 | 48 | 41 | 73 | 85 | 63 | 49 | 71 | 78 | 44 | 42 | 48 | 42 | 123 | 87 | 943 |
| Bills Awaiting 2 nd Reading | 13 | 25 | 30 | 14 | 9 | 23 | 61 | 24 | 39 | 63 | 88 | 26 | 124 | 79 | 74 | 10 | 702 |
| Bills Referred to Committee | 25 | 22 | 39 | 39 | 58 | 65 | 57 | 42 | 36 | 39 | 25 | 40 | 39 | 31 | 22 | 14 | 592 |
| Bills Passed | 6 | 4 | 22 | 32 | 18 | 47 | 26 | 38 | 11 | 12 | 14 | 35 | 21 | 7 | 18 | 79 | 390 |
| Bills Withdrawn | 1 | 0 | 1 | 1 | 3 | 1 | 3 | 4 | 6 | 3 | 3 | 0 | 10 | 4 | NA | NA | 40 |
| Executive Bills Passed | 2 | 2 | 10 | 14 | 11 | 29 | 17 | 23 | 6 | 5 | 5 | 21 | 13 | 3 | 5 | 7 | 173 |
| Members' Bills Passed | 4 | 2 | 12 | 18 | 7 | 18 | 9 | 15 | 5 | 7 | 9 | 14 | 8 | 4 | 13 | 72 | 217 |
| Bills Transmitted to House for Concurrence | 1 | 0 | 4 | 0 | 3 | 9 | 11 | 17 | 1 | 10 | 0 | 2 | 16 | 19 | 18 | 37 | 148 |
| Bills Negatived | 2 | 1 | 3 | 1 | 2 | 2 | 4 | 7 | 0 | 2 | 1 | 0 | 0 | 2 | NA | NA | 27 |
| Executive Bills | 9 | 11 | 25 | 25 | 40 | 38 | 31 | 34 | 71 | 63 | 19 | 29 | 21 | 21 | 10 | 11 | 458 |
| Member's Bills | 30 | 45 | 61 | 44 | 62 | 84 | 93 | 64 | 39 | 123 | 94 | 39 | 138 | 141 | 187 | 86 | 1330 |

Source: Underlying data from Senate Committee on Rules and Business

Thirdly, the data in Table 2.2 suggest that legislative activities had been adversely affected by each election year - 2002/2003, 2006/2007, 2010/2011 and 2014/2015. In each of these years, the number of bills received and processed dropped, especially for bills received from members. In those years the executive bills increased, except in 2014/2015 legislative year. This has two implications. In election years, the executive arm of government is still able to carry on the activities requiring legislation without being overwhelmed by the exigencies of the elections whereas the Senators were not able to avoid being distracted by elections. Also, the executive arm has the burden to appear to have performed well, expressed in the nature and quantity of laws it initiates.

Fourthly, the dominance of members' bills reflects greater activism in bills sponsorship by the members compared to the executive. In all the years, excepting 2007/2008, members of the Senate sponsored more bills than the executive, and the gap has become wider in recent years. This is notwithstanding the fact that initially, the executive arm of the government appeared to have greater capacity, in terms of expertise, dominant longevity and administrative statecraft to formulate policies and initiate bills compared to the legislature. Besides, the relative newness of the legislature on the political scene and the high rate of turnover of legislators were factors which could have constrained the sponsorship of bills by the legislature. In recent years, the capacity of legislators for law-making has improved significantly. Most legislators who have served in more than one legislative period have accumulated experience and improved their capacity for law-making. This improved capacity to initiate bills would, however, need to be stretched to passing bills and executing other legislative functions such as oversight.

Finally, although bills can be initiated by the executive, members of parliament and the general public through members, and indeed some bills had been initiated by members of the public, particularly NGOs, there still appears to be no information on bills initiated by the general public. Bills initiated by members and the public are credited to the members of the Assembly. Yet, it is desirable to have documented information on bills initiated by the public. As was noted in Vol. 2 and 3 of the Series, it will help to throw light on the direct involvement of the public in law making as well as provide more insights into the law-making activities of the legislators. It is therefore

recommended that a system of receiving bills from the public in NASS before sponsorship by the members be defined in the two chambers.

2.2 Output of Bills in the Senate, June 2009 – June 4 2015

Table 2.3 shows the bill processing activities in the Senate in the third and fourth sessions of the 6th and 7th Assemblies, June 2009 - May 2011 and June 2013 – June 4 2015. The table reveals a significant increase in the number of bills received and read for the first time, 62.4 and 27.6 percent, respectively. While the number of executive bills declined between the two periods, that is, from 48 to 21, the members' bills shot up significantly from 133 to 273. Furthermore, in terms of the significant increase in the number of bills received and read for the first time, this trend is consistent with Table 2.3 of vol. 3 which compared the bills processed in the Senate in the second half of the 6th Assembly and the first half of the 7th Assembly, that is June 2009-May 2011 and June 2011-May 2013. Whereas in vol. 3 of the Law Making Series, bills received and read for the first time was 77.35 and 64.09, respectively, the number of executive bills declined from 48 to 42 and the number of members' bills rose significantly from 133 to 279.

Thus, there was a notable manifestation of legislative activism on the part of the Senators, in terms of bills initiated, in the last half of the Seventh Assembly compared to the last half of the Sixth Assembly. However, that activism was not extended to processing the bills to conclusion – passage and enactment. This issue is examined in detail in the next section. Suffice it to mention here that, in the first half of an Assembly most members are new and trying to build capacity as well as get acquainted to legislative practices and procedures. On the other hand, in the second half, members are eager to show some achievements and the volume of legislative activities may tend to be high, although the tempo of activities may tend to be dampened in the last legislative year or election year.

Table 2.3: Status of Bills Presented and Considered in the Senate in the Third and Fourth Sessions of the 6th and 7th Assemblies, June 2009 - May 2011 and June 2013- June 4 2015

| Status of Bills | June 2009-May 2011 | June 2013-June 2015 | Actual Change | % Changes |
|--|--------------------|---------------------|---------------|-----------|
| Bills Received | 181 | 294 | 113 | 62.4 |
| Bills Read 1 st Time | 181 | 231 | 50 | 27.6 |
| Bills Read 2 nd Time | 86 | 39 | -47 | -54.7 |
| Bills Awaiting 2 nd Reading | 114 | 0 | -114 | -100.0 |
| Bills Referred to Committee | 65 | 36 | -29 | -44.6 |
| Bills Passed | 49 | 97 | 48 | 98.0 |
| Bills Withdrawn | 3 | 40 | 37 | 1233.3 |
| Executive Bills Passed | 26 | 12 | -14 | -53.8 |
| Members Bills Passed | 23 | 85 | 62 | 269.6 |
| Bills Transmitted to House for Concurrence | 2 | 55 | 53 | 2650.0 |
| Bills Negatived | 1 | 27 | 26 | 2600.0 |
| Executive Bills | 48 | 21 | -27 | -56.3 |
| Member's Bills | 133 | 273 | 140 | 105.3 |

Source: Underlying data from Senate Committee on Rules and Business

Table 2.3.1 reveals the bills processed in the Senate in the 7th Assembly, June 2011-June 4, 2015. Available data reveal that the performance of the Senate in the fourth session of the 7th Assembly declined significantly in terms of bills received and read for the first and time. With the exception of the fourth session of the Senate 7th, where total number of bills received stood at 97, there is a steady increase in the number of bills received across the sessions in the 7th Senate: 159, 162 and 197 respectively. Whereas the bills read for the first time across the four sessions during the period under review were 159, 138, 174 and 57, respectively, the bills read for the second time were 48, 42, 23 and 16, respectively. Furthermore, while the number of executive bills declined from 21 in the first and second sessions to 10 and 11 in the third and fourth sessions, the members' bills increased steadily in the first, second and third sessions as follows: 138, 141, 187, except in the fourth session, where it declined sharply to 86.

The discussion now turns to the percentage changes with respect to the bill processing activities in the 7th Senate. The percentage changes in the number of bills received between the second and the first sessions, between the third and second sessions, and between the fourth and third sessions were 1.9, 21.6 and 14.1, respectively. With respect to bills passed, the percentage changes of the bills passed between the second and first sessions, between the third and second sessions and between the fourth and the third sessions were -66.7, 157.1 and 506.9, respectively (refer to Table 2.3.1 for more).

**Table 2.3.1: Status of Bills Presented and Considered in the 7th Assembly (Senate),
June 2011-May 2015**

| Category of Bills | June 2011- May 2012 (a) | June 2012- May 2013 (b) | June 2013- May 2014(c) | June 2014- June 3rd 2015 (d) | Average (a+b+c+d)/4 | % Change between (a & b) | % Change between (b & c) | % Change between (c & d) |
|--|-------------------------------|-------------------------------|---------------------------|---------------------------------------|------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Bills Received | 159 | 162 | 197 | 97 | 153 | 1.9 | 21.6 | 14.1 |
| Bills Read 1 st Time | 159 | 138 | 174 | 57 | 132 | -13.2 | 26.1 | 19.8 |
| Bills Read 2 nd Time | 48 | 42 | 23 | 16 | 129 | -12.5 | -45.2 | -35.1 |
| Bills Awaiting 2 nd Reading | 124 | 79 | NA | NA | 32 | -36.3 | 0.0 | |
| Bills Referred to Committee | 39 | 31 | 22 | 14 | 26 | -20.5 | -29.0 | -111.7 |
| Bills Passed | 21 | 7 | 18 | 79 | 31 | -66.7 | 157.1 | 506.9 |
| Bills Withdrawn | 10 | 4 | NA | NA | 4 | -60.0 | 0.0 | |
| Executive Bills Passed | 13 | 3 | 5 | 7 | 7 | -76.9 | 66.7 | 952.4 |
| Members Bills Passed | 8 | 4 | 13 | 72 | 24 | -50.0 | 225.0 | 937.5 |
| Bills Transmitted to House for Concurrence | 16 | 19 | 18 | 37 | 22 | 18.8 | -5.3 | -23.9 |
| Bills Negatived | 0 | 2 | NA | NA | 0.5 | | 0.0 | |
| Executive Bills | 21 | 21 | 10 | 11 | 63 | 0.0 | -52.4 | -83.1 |
| Member's Bills | 138 | 141 | 187 | 86 | 138 | 2.2 | 32.6 | 23.6 |

Source: underlying data from Senate Committee on Rules and Business

2.3 Bills Passed in the Senate

Table 2.2 and Figure 2.2 show the bills passed in the Senate on annual basis. Annex 3 has a full list of the bills passed. An average of 24.4 bills was passed between 1999 and 2015, compared to an average of 83.1 bills per year sponsored by members or an average of 112 bills per year presented in the Senate. Thus, the volume of bills passed is relatively low, representing only 21.8 percent of the total bills received or 23.9 percent of the bills that went through first reading. Except for 2004/2005, where 47 bills were passed and

2014/2015, where 79 bills were passed, the number of bills passed was generally less than 40 per year. An average of 10.8 executive bills was passed each year while only an average of 13.5 members' bills was passed.

Table 2.3.2: Comparative Perspective of Bills Passed by the 6th and 7th Senate

| Legislative Sessions | Total Bills Received for Two Sessions | Total Bills Received by Senate | Total Bills Passed for Sessions | Total Bills Passed by Two Senate |
|--|---------------------------------------|--------------------------------|---------------------------------|----------------------------------|
| 1 st Half of the 7 th Senate | 321 | 615 | 28 | 125 |
| 2 nd Half of 7 th Senate | 294 | | 97 | |
| 1 st Half of the 6 th Senate | 296 | 477 | 23 | 72 |
| 2 nd Half of the 6 th Senate | 181 | | 49 | |

Source: Underlying Data from Senate Rules and Business

The concern over the performance with respect to the volume of bills passed has persisted right from the beginning of the democratic dispensation in 1999. There seems to have been a significant increase in the passage of bills in the 7th Senate compared to the 6th Senate, as Table 2.3.2 suggests. 125 bills were passed in 7th Senate as opposed to the 72 in the 6th Senate, an increase by 42.4 percent. Moreover while 49 bills were passed in the 2nd half of the 6th Senate, 97 bills were passed in the 2nd half of the 7th Senate, an increase by 49.5 percent. While a total of 615 bills were received in

the 7th Senate, only 125 bills were passed, representing 20.32 percent. In comparison, of the 477 bills received in the 6th Senate, only 72 bills were passed, representing a total of 15.09 percent.

Interestingly, of the 79 bills passed by the Senate in 2014/2015 session, 46 of them were on June 3, 2015 passed at an extraordinary sitting in which the Senate adopted a special procedure for processing bills transmitted from the House for concurrence. The decision, reached by mutual consent and legislative reciprocities by both chambers, became necessary because of the limited time available before the close of the 7th Assembly and because resources had already been expended on the bills.

This passage of these 46 bills, some of which are core bills, in a day has been met with criticisms (The Guardian, June 4, 2015). It is important to note that these bills had already been considered by the House of Representatives and transmitted to the Senate for concurrence.

Box 2.1: 46 Bills Passed by the Senate at an Extraordinary Sitting

1. Tertiary Education Trust Fund (Establishment etc.) Act (Amendment), 2015
2. Office of the Nigerian Financial Ombudsman Bill
3. Institute of Chartered Trustees of Nigeria Bill
4. National Convicts and Criminal Records (Registry) Bill, 2015
5. Community Service Bill
6. People's Bank of Nigeria Act (Repeal) Bill
7. Nigerian Bank for Commerce and Industry Act (Repeal)
8. National Commission for Rehabilitation Act (Repeal) Bill
9. Maintenance Orders Act (Repeal) Bill, 2015
10. Federal Saving Bank Act (Repeal) Bill 2015
11. Loan (State Development) Act (Repeal), 2015
12. Nigerians in Diaspora (Establishment) Commission, 2015
13. Electronic Transactions Bill, 2015
14. Chartered Institute of Statisticians of Nigeria, 2015
15. 15. Nigerian Metallurgical Industry Bill, 2014
16. Federal Audit Commission Bill, 2015
17. National Centre for Agricultural Mechanisation Act (Amendment,) Bill
18. Nigerian International Financial Centre (Establishment, etc) Bill
19. Investment and Securities (Amendment) Bill
20. Nigerian Communications Satellite, Bill
21. Federal Capital Territory Education Resources Centre (Establishment) Bill
22. Labour Institutions (Establishment)
23. Witness Protection Programme Bill
24. Institute of Mediators and Conciliators Bill
25. Legal Education Act (Establishment) Bill
26. National Health Insurance Commission Bill
27. National Economic Intelligence Committee (Establishment) Act (Repeal) Bill.
28. Federal College Dental Technology and Therapy Bill
29. Federal Capital Territory College of Nursing and Midwifery Bill
30. Oaths Act (Amendment) Bill,
31. Federal Capital Territory Hospital Management Board (Establishment) Bill
32. Passport (Miscellaneous Provisions) (Amendment) Bill
33. Chartered Institute of Management Accounts of Nigeria
34. Federal Capital Territory Water Board (Establishment) Bill
35. Institute of Local Government and Public Administration Bill
36. 36. Whistle-blower Protection Bill,
37. Family Economic Advancement Programme (Establishment, etc.) 2015
38. Family Support Trust Fund Act (Repeal) Bill
39. Nigerian Industrial Development Bank (Guarantee) Act (Repeal) Bill
40. Treasury Management Bill 2015
41. Legislative Powers and Privileges Act (Repeal and Re-Enactment) Bill
42. Anti-Torture Bill, 2015
43. Lobbyist (Registration and Regulation) Bill
44. 44. National Hospital for Women and Children, Abuja (Establishment, etc.) Act (Amendment) Bill
45. Nigerian Prisons Act CAP, P29 LFN 2004 (Repeal and Re-Enactment) Bill 2015
46. Nigerian Oil and Gas Industry Content Act 2010 (Amendment) Bill 2015

Even though much fewer bills were received in the second half of the 6th Senate, more bills were passed. In the first half of the 7th Senate, only 7 bills, representing 4.3 percent were passed.

Generally:

- In the first half of the 7th Senate, 8.7 percent of bills received were passed compared to 7.8 percent for the first half of the 6th Senate;
- In the second half of the 7th Senate, 32.9 percent of bills received were passed compared to 27 percent for the second half of the 6th Senate;
- 38.1 percent of executive bills received in the first half of the 7th Senate were passed compared to 4.3 percent for member' bills;
- 57.1 percent of executive bills received in the second half of the 7th Senate were passed compared to 31.1 percent for member' bills;
- 8.2 percent of executive bills received in the first half of the 6th Senate were passed compared to 7.4 percent for members' bills.
- 54.2 percent of executive bills received in the second half of the 6th Senate were passed compared to 17.3 percent for members' bills;

Considering the first half of each Senate, the number of bills passed is as follows:

- June 1999 – May 2001 - 10 (10.5%)
- June 2003 – May 2005 - 65 (29.0%)
- June 2007 – May 2009 - 23 (7.8%)
- June 2011 – May 2013 - 28 (8.7%)

Considering the second half of each Senate, the number of bills passed is as follows

- June 2001 – May 2003 - 54 (34.8%)
- June 2005 – May 2007 - 64 (28.8%)
- June 2009 – May 2011 - 49 (27.1%)
- June 2013 – June 4 2015 - 97 (32.9%)

The above analysis points to a serious problem in the capacity of the senators to process bills to passage. As was pointed out in the previous editions, one factor that might have accounted for the relatively poor performance on bills passage derives from the treatment of members' bills sent for concurrence. Such bills have tended to experience delays in both houses. In contrast, the executive bills have tended to process faster because they are submitted simultaneously to both Houses by the Executive.

However, in the course of writing this report, interactions with some officials of NASS threw up some reasons why the volume of bills passed in the Senate is on the low side. First, that the Senate leadership is very much committed to producing high quality laws and is not interested in just adding to laws. And high quality laws require thoroughness and some time to produce. An example was given with the amendment of the Constitution which required members to have interactions across the country. Secondly, unlike the House of Representatives, the Senate is required constitutionally to do certain things besides law making, for example, screening and clearing political appointees for various positions in government which take a lot of time. To this end, the first legislative session of each Assembly is invariably used for many aspects of government business not connected with bill processing. Thirdly, legislators are concerned with developments in the polity generally and their constituencies, in particular. These necessitate the passing of resolutions, for example, the Boko Haram insurgency, Rivers State House of Assembly crisis, etc. Generally passing resolutions on situations generating crisis and emergencies takes some time. Finally, is the observation made earlier about the effect of election year. In an election year the volume of legislative activities tends to reduce as many members attend conventions, seek re-election and participate in electioneering campaigns. During such periods, a quorum may not even be formed at some meetings.

Nevertheless, even though the various factors impinging on legislators' time are recognized, the issue of relative low and declining volume of bills passed should elicit the concern of the Upper House so that measures should be taken to enhance the productivity of Senators. This is the more so as the

issue of low productivity is something that contributes to the public’s relatively poor perception of law-makers.

2.4 Gestation Periods for the Passage of Bills

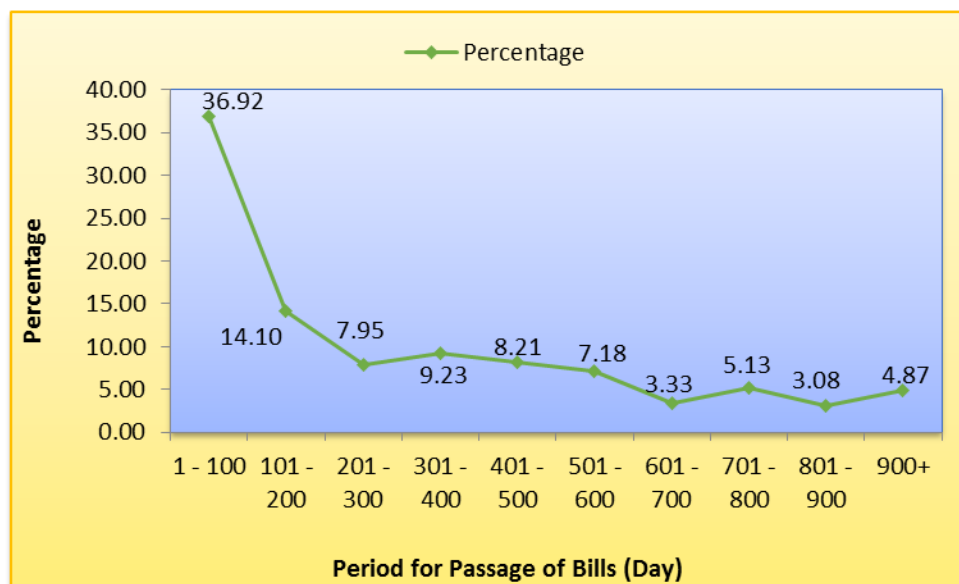
The gestation period of a bill refers to the period of its consideration through the various stages before it is passed by the legislature. Bills are of different nature and complexity and therefore susceptible to being passed in different time periods. Nevertheless, a bill should not, on average, take up to six months to pass. In practice, the passage of bills in NASS had exceeded this period in many instances. Table 2.4 and Figure 2.3 show the gestation periods for the passage of bills. Out of the 390 bills passed during the period, 1999 – 2015, 36.9 per cent were passed within 100 days. Some relatively simple and uncontroversial bills were passed in just a few days. The same thing applied to some bills from the executive that were of emergency nature.

Table 2.4: Bills Passed by the Senate - Actual and Percentage Distribution of Gestation Periods, June 1999 – June 4th, 2015

| Periods for Passage of Bills (Day) | No. of Bills | Percentage |
|---|---------------------|-------------------|
| 1 - 100 | 144 | 36.92 |
| 101 - 200 | 55 | 14.10 |
| 201 - 300 | 31 | 7.95 |
| 301 - 400 | 36 | 9.23 |
| 401 - 500 | 32 | 8.21 |
| 501 - 600 | 28 | 7.18 |
| 601 - 700 | 13 | 3.33 |
| 701 - 800 | 20 | 5.13 |
| 801 - 900 | 12 | 3.08 |
| 900+ | 19 | 4.87 |
| Total | 390 | 100.00 |

Source: Underlying data from Senate Committee on Rules and Business

Figure 2.3: Bills Passed by the Senate - Percentage Distribution of Gestation Periods, June 1999 – June 4th, 2015



Examples of some bills passed within a few days are as follows:

| Name of Bill | No. of Days |
|---|-------------|
| <ul style="list-style-type: none"> • Appropriation Act (Amendment) Bill, 2000 • Plateau State Appropriation Bill, 2004 • Ekiti State Emergency Power, 2006 • Supplementary Appropriation Bill, 2010 • Electoral Act (Amendment) Bill, 2002 • Electoral Act (Amendment) Bill, 2011 • Appropriation Act (Amendment) Bill, 2011 • Tertiary Education Trust Fund (est., etc.) Bill, 2013 • Electronic Transaction Bill, 2015 • National Economic Intelligence Committee (Est.) Act (Repeal) Bill, 2015 • Whistle Blowers Protection Bill, 2015 • Anti-Torture Bill, 2015 • Nigerian Oil and Gas Industry Content Act 2010 (Amendment) Bill, 2015 | 1 day |
| <ul style="list-style-type: none"> • African Union Treaty (Ratification and Jurisdiction) Bill, 2003 • Economic and Financial Crimes Commission (Establishment) Bill, 2003 • International Convention for Prevention of Pollution from Ship Bill, 2004 • National Gallery of Art (Amendment) Bill, 2003 | 2 days |

| Name of Bill | No. of Days |
|--|-------------|
| <ul style="list-style-type: none"> Nigerian National Petroleum Corporation (Amendment) Bill, 2007 Supplementary Appropriation Bill, 2009 Supplementary Appropriation Bill, 2012 | |
| <ul style="list-style-type: none"> Compulsory, Free Universal Basic Education Bill, 2003 | 3 days |
| <ul style="list-style-type: none"> A Bill for an Act to enable the effect to be given in the Federal Republic of Nigeria to the United Nations Convention Against Transnational Organized Crimes and for Purposes Connected therewith, 2003 | 4 days |
| <ul style="list-style-type: none"> Emergency Powers (Processions and Meetings) Regulations, 2004 Emergency Powers (Restriction Orders) Regulation, 2004 Emergency Powers (Protected Places) Regulation, 2004 | 6 days |
| <ul style="list-style-type: none"> An Act to Abolish the Dichotomy between Onshore and Offshore in application of the Principle of Derivation, 2004 | 7 days |

However, some other bills took much longer periods to pass. A total of 119 bills took between 100 and 400 days to pass while a few others (33) were passed after about 800 days, that is, after over two years. Examples of the latter are as follows:

- FCT Board of Internal Revenue (Establishment) Bill, 2005 (813 days)
- Indigenous Oil Companies (Regulation and Fiscal Terms), 2005 (825 days)
- Public Procurement Bill 2007 (841 days)
- Nigeria Volunteer Service Bill, 2003 (861 days)
- Civic Citizenship Education Bill, 2008 (862 days)
- River Basin Development Authority Bill, 2008 (886 days)
- Chartered Institute of Capital Market registrars Bill, 2008 (889 days)
- Federal Road Safety Commission (Amendment) Bill, 2007 (923 days)
- Customary Court for the FCT Bill, 2006 (940 days).
- National Agricultural Seeds Council Act (Repeal and re-enactment) Bill, 2008 (953 days).
- Financial Reporting Council of Nigeria Bill, 2008 (1,093 days)
- Freedom of Information Bill, 2007 (1,223 days)
- National Assembly Research Office Bill, 2011 (1360 days)

Table 2.5 and Figure 2.4 show the gestation periods of the bills passed by the Senate in the last half of the 6th Senate and first and second half of the 7th Senate. The pattern displayed mirrors that of the entire period. More bills were passed within 100 days, 38.8 and 39.3 percent, respectively. Understandably, given the larger number of bills passed in the second half of the 6th Assembly, there are more bills that were passed after 100 days.

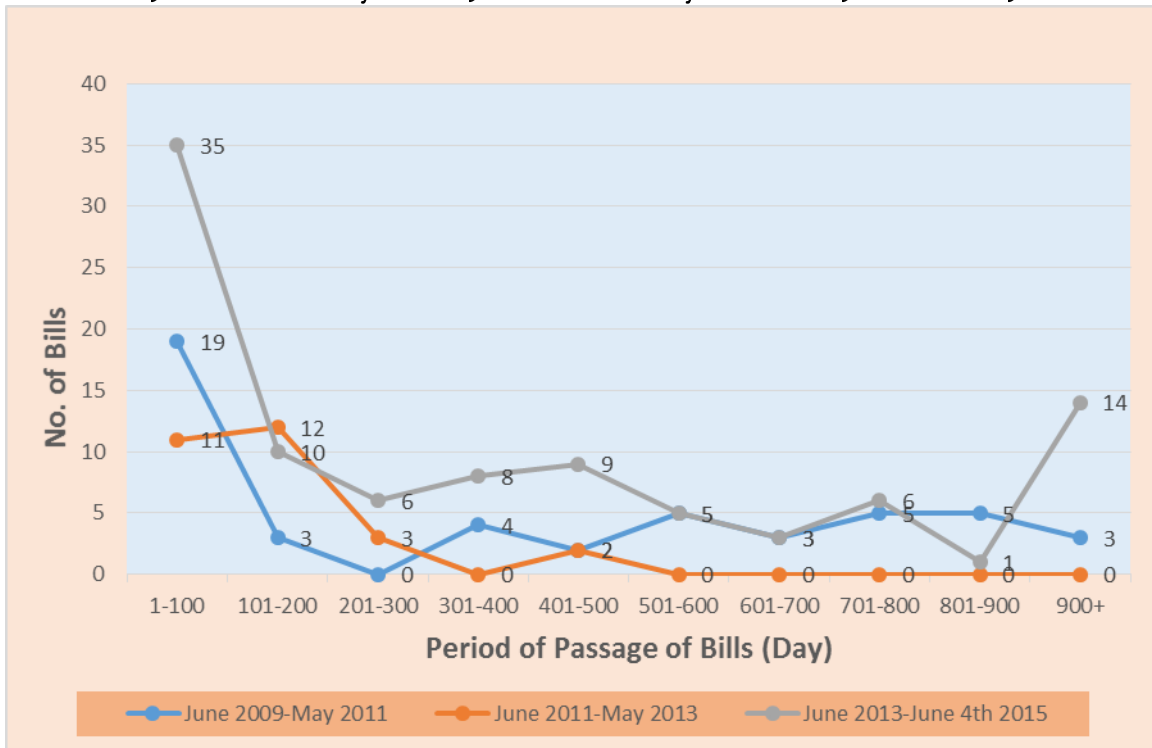
In Annex 3 is a list of all the bills passed and their gestation periods.

Table 2.5: Bills Passed by the Senate-Analysis of Actual and Percentage Distribution of Gestation Periods between June 2009-May 2011, June 2011-May 2013 and June 2013-June 4th, 2015

| Periods for Passage of Bills (Day) | June 2009-May 2011 (a) | June 2011-May 2013 (b) | June 2013-June 4 th , 2015 (c) | Actual Changes between (b & c) | % Changes between (b & c) |
|------------------------------------|------------------------|------------------------|---|--------------------------------|---------------------------|
| 1 - 100 | 19 | 11 | 35 | 24 | 218.18 |
| 101 - 200 | 3 | 12 | 10 | -2 | -16.67 |
| 201 - 300 | 0 | 3 | 6 | 3 | 100.00 |
| 301 - 400 | 4 | 0 | 8 | 8 | 0.00 |
| 401 - 500 | 2 | 2 | 9 | 7 | 350.00 |
| 501 - 600 | 5 | 0 | 5 | 5 | 0.00 |
| 601 - 700 | 3 | 0 | 3 | 3 | 0.00 |
| 701 - 800 | 5 | 0 | 6 | 6 | 0.00 |
| 801 - 900 | 5 | 0 | 1 | 1 | (Infinity) |
| 900+ | 3 | 0 | 14 | 14 | 0.00 |
| Total | 49 | 28 | 97 | 69 | 242.86 |

Source: Underlying data from Senate Committee on Rules and Business

Figure 2.4: 2.4: Bills Passed by the Senate: Gestation Periods in the Legislative Sessions, June 2009 - May 2011, June 2011 – May 2013 and June 2013 - June 4th, 2015



Obviously, there is concern about the bills whose passage had been delayed for long periods in that they are invariably targeted at different objectives of notable importance. Delaying their passage meant the postponement of the expected benefits. In light of this, an understanding of the factors which cause delays in bill passage is a first step to addressing the problem.

The factors that have been suggested as constraining the early passage of the bills or even causing them to be abandoned mid-way, range from nature of the bill as to whether it is executive or non-executive, issues addressed as to whether they are national or sectional to ability of sponsor to mobilize support as well as loss of interest by the sponsor of the bill. When a Bill is introduced in the Assembly, the expectation is that support would be mobilized for it. Sometimes, an interested group is expected to shore up support for the Bill. Often this support is not forthcoming, and without the required interest/support, the Bill becomes an orphan and its journey to passage may become protracted. Box 2.1 outlines the possible reasons why Bills may be considered over long periods.

Whatever the reasons, however, it needs to be borne in mind always that bill making is serious business and is at the core of legislative business. The legislators must therefore endeavour to properly address the factors causing protracted delays in bill consideration and passage.

Box 2.2: Factors Affecting the Passing of Bills

- Stages of a bill – Normal process or accelerated consideration.
- Nature of the bill – executive or members’ bill; controversial versus non-controversial; new bill or Amendment bill.
- Issues addressed in the bill – national or sectional
- Loss of interest by the sponsor or interest groups
- Lack of follow-up on the bill by the sponsor
- Lobbying capacity of sponsor, in terms of ability to mobilize support.
- Importance attached to the bill by the Senate or House of Representatives
- Committal of bill to a standing committee or Committee of the Whole House
- Promptness of attention from the Committee(s) to which the bill is referred
- Some committees, by the nature of the scope of their functions, are overburdened with many bills
- Exigencies of organizing a public hearing on the bill
- Some committees are not working as required
- Availability of capacity in committees
- Rivalry/envy among members
- Sponsorship of bills with no intention of passing them
- Political/cultural disposition of members to the bill
- Effects of some events taking attention out of a bill, e.g. an Appropriation Bill coming out at a time a bill is being considered.

2.5 Classification of Senate Bills by Objectives

Bills can be categorized according to focus or objectives. Obviously there are no fixed rules for doing this. There is the added problem that the essence of a bill may traverse more than one area of classification. Nevertheless, for our purpose the bills passed are classified into five groups as follows: Economic development or economic related bills incorporating both economic management bills and economic development bills; social development bills relating to issues in education, health, community development, welfare, etc.; governance/political development bills geared towards

promoting good governance and good political practices; regulatory bills relating to the regulation/establishment of regulatory institutions; and culture bills relating to cultural development.

Table 2.6 and Figure 2.5 show the classification of bills passed by the Senate in terms of their focus or objectives over the sixteen-year period. There is a preponderance of economic and social development bills with social development bills being more by 1 during the whole period. Each of the two categories accounts for 28.9 and 29.2 percent of the total bills, respectively. Regulatory bills occupy a third place with 24.1 percent of the bills, followed by Governance bills (16.9%). Only three culture-oriented bills were passed during the entire period. The pattern of dominance of economic and social development-focused bills is also reflected in the sub-periods, 2007-2009, 2009 – 2011 and 2011 – 2013 legislative sessions, except in the 2013-2015 session where the regulatory bills passed dominated (Table 2.7 and Figure 2.6). The pattern observed is understandable considering the enormous economic and social development challenges that have confronted the country and which appear to have defied solutions. However, the subsisting development challenges have been compounded by the current challenges of insecurity and terrorist onslaughts. Under the circumstance, legislation for the peace, order and good governance of the country is as important as legislating for economic and social development.

Table 2.6: Classification of Bills Passed by the Senate by Objectives, June 1999 – June 4th, 2015

| Legislative Year | Sector | | | | | Total |
|--------------------|----------------------|--------------------|--------------------------------------|------------|----------|------------|
| | Economic Development | Social Development | Governance and Political Development | Regulatory | Culture | |
| June 1999-May 2000 | 2 | 1 | 3 | | | 6 |
| June 2000-May 2001 | 3 | | 1 | | | 4 |
| June 2001-May 2002 | 5 | 5 | 7 | 5 | | 22 |
| June 2002-May 2003 | 11 | 12 | 5 | 4 | | 32 |
| June 2003-May 2004 | 7 | 4 | 4 | 3 | | 18 |
| June 2004-May 2005 | 12 | 12 | 9 | 12 | 2 | 47 |
| June 2005-May 2006 | 12 | 7 | 7 | | | 26 |
| June 2006-May 2007 | 14 | 17 | 5 | 2 | | 38 |
| June 2007-May 2008 | 7 | 3 | 1 | | | 11 |
| June 2008-May 2009 | 6 | 4 | 1 | 1 | | 12 |
| June 2009-May 2010 | 6 | 4 | 3 | 1 | | 14 |
| June 2010-May 2011 | 13 | 9 | 10 | 2 | 1 | 35 |
| June 2011-May 2012 | 3 | 14 | 2 | 2 | | 21 |
| June 2012-May 2013 | 2 | 2 | 2 | 1 | | 7 |
| June 2013-May 2014 | 4 | 5 | 2 | 7 | | 18 |
| May 2014-June 3 | 6 | 15 | 4 | 54 | | 79 |
| TOTAL | 113 | 114 | 66 | 94 | 3 | 390 |

Source: Underlying data from Senate Committee on Rules and Business

Figure 2.5: Classification of Bills Passed by the Senate by Objectives, June 1999 – June 4th, 2015

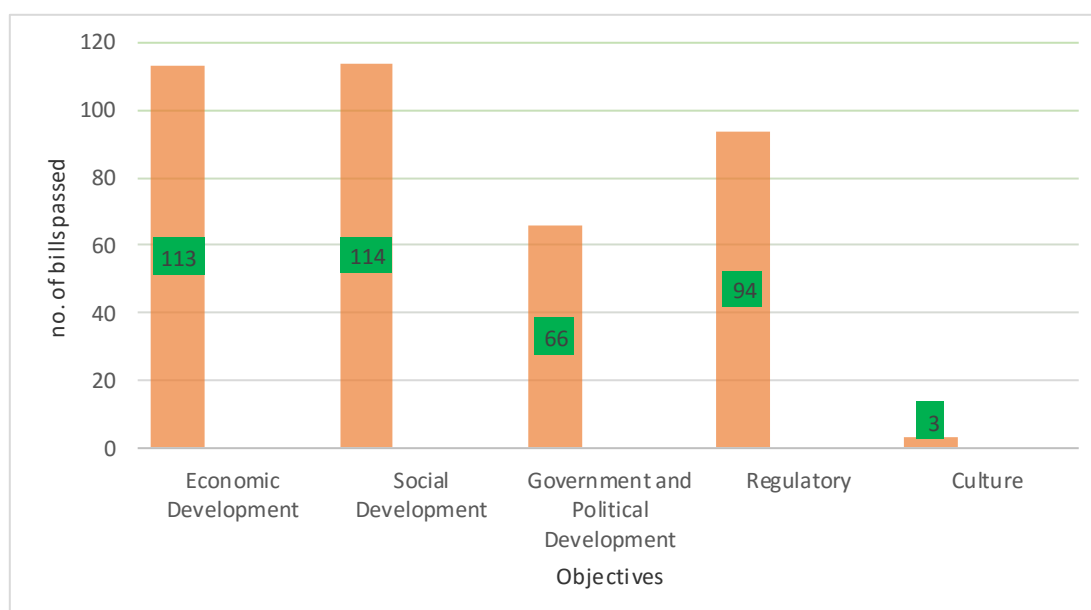
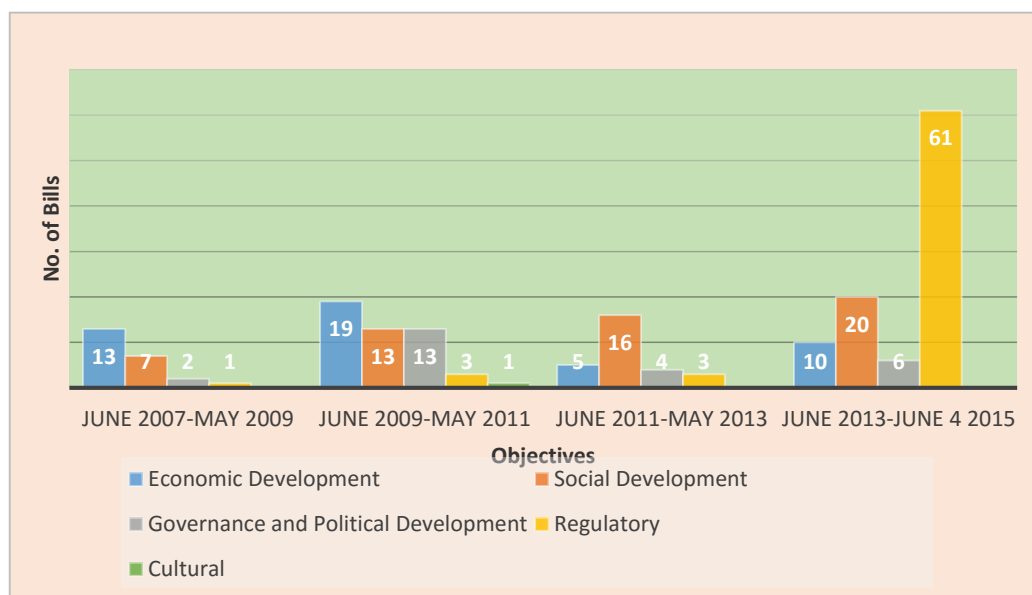


Table 2.7: Table 2.7: Classification of Bills Passed by Objectives in the 6th and 7th Senate, June 2011-June 4th 2015

| Legislative Year | Economic Development | Social Development | Government and Political Development | Regulatory | Culture | Total |
|---------------------------------------|----------------------|--------------------|--------------------------------------|------------|----------|------------|
| June 2007-May 2009 | 13 | 7 | 2 | 1 | | 23 |
| June 2009-May 2011 | 19 | 13 | 13 | 3 | 1 | 49 |
| June 2011-May 2013 | 5 | 16 | 4 | 3 | | 28 |
| June 2013-June 4 th , 2015 | 10 | 20 | 6 | 61 | | 97 |
| TOTAL | 47 | 56 | 25 | 68 | 1 | 197 |

Figure 2.6: Bills Passed by the Senate by Objectives, June 2007 – June 4th 2015



2.6 Motions Considered in the Senate

In a parliament, a motion is a legislative device or formal proposal by a member that the parliament take action on issues of concern. They may be issues affecting individual citizens and the country in general. In the case of Nigeria, motions mainly originate from the members of the Assemblies at the different tiers of government and usually request in clear terms the actions that the sponsors wish the Assembly to take in respect of the issue of concern. Once a motion is debated resolutions are made and communicated to the government for implementation. Most of the motions passed by the House have attracted notable resolutions on national economic, political, social, cultural and international issues. However, the government is not obliged to implement the resolutions.

Table 2.8 and Figure 2.7 show the number of motions moved in the Senate from June 2009 – June 4th, 2015. The 2011/2012 legislative year attracted the highest number of motions. Table 2.9 and Figure 2.8 show the position in the second half of the 6th Senate and first and second halves of the 7th

Senate. More activity relating to proposing motions was recorded in the latter period. However, there is no information on how many of them were considered and resolutions made.

Table 2.8: Actual and Percentage Distribution of Motions Proposed in the Senate, June 2009 – June 4th, 2015

| Legislative Year | No of Motions | % over Total |
|---|---------------|---------------|
| June 2009 - May 2010 | 34 | 20.48 |
| June 2010 - May 2011 | 13 | 7.83 |
| June 2011 - May 2012 | 56 | 33.73 |
| June 2012 - May 2013 | 32 | 19.28 |
| June 2013 - May 2014 | 17 | 10.24 |
| June 2014 - June 4 th , 2015 | 14 | 8.43 |
| Total | 166 | 100.00 |

Source: Underlying data from Senate Committee on Rules and Business

Figure 2.7: Percentage Distribution of Motions by the Senate, June 2009 – June 4th, 2015

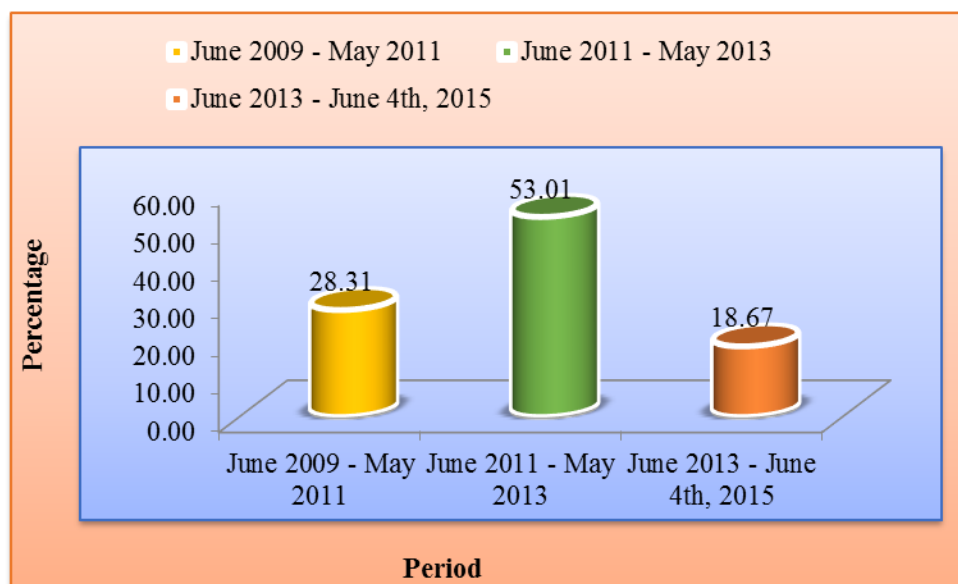


Table 2.9: Actual and Percentage Distribution of Motions in the Second half of the 6th Assembly and the first and Second half of the 7th Assembly by

| Last and First and Second half of the 6 th and 7 th Assemblies | No. of Motions | % over Total |
|--|----------------|---------------|
| June 2009 - May 2011 | 47 | 28.31 |
| June 2011 - May 2013 | 88 | 53.01 |
| June 2013 - June 4 th , 2015 | 31 | 18.67 |
| Total | 166 | 100.00 |

Source: Underlying data from Senate Committee on Rules and Business

Figure 2.8: Percentage Distribution of Motions in the Second half of the 6th Senate and the first and Second half of the 7th Senate, June 2009 – June 4th, 2015



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