



**INDUCTION CERTIFICATE COURSE
FOR NEW LEGISLATORS
(NATIONAL ASSEMBLY)**

AT THE INTERNATIONAL CONFERENCE CENTRE,

ABUJA, APRIL, 2015

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UNIVERSAL DECLARATION ON DEMOCRACY



THE NATIONAL ASSEMBLY

There shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives.

The Senate shall consist of three Senators from each State and one from the Federal Capital Territory, Abuja.

Subject to the provisions of this Constitution, the House of Representatives shall consist of three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one State.

*The Nigerian Constitution, 1999
Chapter V: The Legislature*

THE NATIONAL ASSEMBLY

The highest law-making body of the Federation is the National Assembly. The Nigerian parliament (National Assembly) is a bi-cameral legislature with two (2) equal legislative powers in terms of law making. Protocol wise, we call the Senate the 'upper' chamber, and the House of Representatives, the 'lower' chamber. Ours is a 'presidential system' of democracy as against the 'parliamentary system'.

The National Assembly of the Federal Republic of Nigeria is established under section 4 of the Nigerian Constitution and comprises a 109-member Senate and a 360-member House of Representatives. The body, modelled after the federal Congress of the United States, is meant to guarantee equal representation of the states irrespective of size in the Senate and proportional representation of population in the House. The National Assembly is located in the federal capital, Abuja.

Bills introduced to any parliament must get a concurrent approval from both chambers before the President could sign them into law.

Bicameral Sitzings

The Senate and the House of Representatives sit separately. The Senate is presided over by the Senate President who is assisted by the Deputy Senate President. Members of the Senate elect them separately. The Senate sits separately. The House of Representatives on the other hand is presided over by the Speaker of the House. He is assisted of the Deputy Speaker. The two Houses hold joint sittings when need arises.

The Senate

The Senate is the upper chamber of the National Assembly which is the supreme law making body of the land. The Constitution has vested in it, the power to make laws for the peace, order and good governance of the Federation. The Senate is led by the President of Senate, Deputy President of Senate, Majority Leader, Minority Leader, Chief Whip, Whips and Committee Chairmen. There are 109 Senators in the Senate.

Principal Officers

The Presiding Officer of the Senate of the Federal Republic of Nigeria is called "The President of the Senate". He is elected at the same time with others basically as a Senator. He is subsequently elected President by his colleagues by a simple majority of votes in the Chambers.

Functions of the Presiding Officers

- [i] Chairing the plenary sessions of the Chamber and the committees of the whole Senate
- [ii] Ruling on Points of Order.
- [iii] Final interpretation of the Chambers rules
- [iv] Appointment of Chairs and members of the committees in consultation with the committee of selection, which he chairs
- [v] He is the Chairman of joint sessions of the two Chambers
- [vi] He represents the National Assembly at ceremonial occasions. The constitution of Nigeria makes him number 3 on the National Order of Precedence.

Other Principal Officers of Senate

1. Deputy Senate President
2. Senate Leader
3. Senate Minority Leader
4. Deputy Senate Leader
5. Deputy Minority Leader
6. Senate Majority Whip
7. Senate Minority Whip
8. Deputy Majority Whip
9. Deputy Minority Whip

Functions of the principal officers

- [i] The Senate Leader leads debates on all Government bills and measures
- [ii] The Deputy Senate President act with full powers in the absence of the President
- [iii] The Minority Leader seconds all formal motions by Senate Leader
- [iv] The Deputy Senate Leader acts in the absence of the Leader
- [v] The Deputy Minority Leader acts in the absence of the Minority Leader
- [vi] The Majority Whip organizes his Party for major debates and ensures discipline in the Chamber
- [vii] The Minority Whip organizes his Parties for major debates and ensures discipline among his members.

Committees of the Senate

The Senate of the Federal Republic of Nigeria has a total of 54 committees. The number of members in each committee ranges from 9 – 13. The committees have the role of studying and researching on bills and motions referred to them and report their findings to the Chamber. The committees are classified into Special Committees and Standing Committees. The President of the Senate in consultation with the committee of selection appoints the Chairmen of the Committees. The Committee Chair presides over the meetings of the Committee. He rules on points of order, interprets the rules, signs and presents committee reports to the Chamber.

The House of Representatives

The House of Representatives is the lower chamber of the National Assembly which is the supreme law making body of the land. The House of Representatives is led by the Speaker, Deputy Speaker, Majority and Minority Leaders, Chief Whips and Committee Chairmen. There are 360 Members in the House of Representation.

Principal Officers

The Presiding Officer of the House of Representatives is called "The Speaker". He is elected at the same time with others basically as a Member of the House. He is subsequently elected Speaker by his colleagues by a simple majority of votes in the Chambers.

Functions of the Presiding Officers

- [i] Chairing the plenary sessions of the Chamber and the committees of the whole House
- [ii] Ruling on Points of Order
- [iii] Final interpretation of the Chambers rules
- [iv] Appointment of Chairs and members of committees in consultation with the committee of selection, which he chairs
- [v] He is the Chairman of joint sessions of the two Chambers
- [vi] He represents the National Assembly at ceremonial occasions. The constitution of Nigeria makes him number 4 on the National Order of Precedence.

Other Principal Officers of the House

1. Deputy Speaker
2. House Leader
3. Majority Whip
4. Deputy House Leader
5. Deputy Chief Whip
6. Minority Leader
7. Minority Whip
8. Deputy Minority Leader
9. Deputy Minority Whip

Functions of the principal officers

- [i] The Deputy Speaker act with full powers in the absence of the Speaker of the House
- [ii] The House Leader leads debates on all Government bills and measures
- [iii] The Minority Leader seconds all formal motions by Senate Leader
- [iv] The Deputy House Leader acts in the absence of the Leader
- [v] The Deputy Minority Leader acts in the absence of the Minority Leader
- [vi] The Majority Whip organizes his Party for major debates and ensures discipline in the Chamber
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Committees of the House

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Leadership

The Senate is chaired by the President of the Nigerian Senate, while the House is chaired by the Speaker of the House of Representatives. At any joint session of the Assembly, the President of the Senate presides and in his absence the Speaker of the House presides. Powers and functions of the National Assembly The National Assembly has broad oversight functions and is empowered to establish committees of its members to scrutinise bills and the conduct of government officials.

The Senate has the unique power of impeachment of judges and other high officials of the executive including the Federal Auditor-General and the members of the electoral and revenue commissions, the power is subject however to prior request by the President. The senate also confirms the President's nomination of senior diplomats, members of the federal cabinet, federal judicial appointments and independent federal commissions. The House and Senate must agree before any bill is passed as law, which in turn must receive the President's assent. Should the President delay or refuse assent (veto) the bill, the National Assembly may pass the law by two-thirds of both chambers and overrule the veto and the President's consent will not be required.

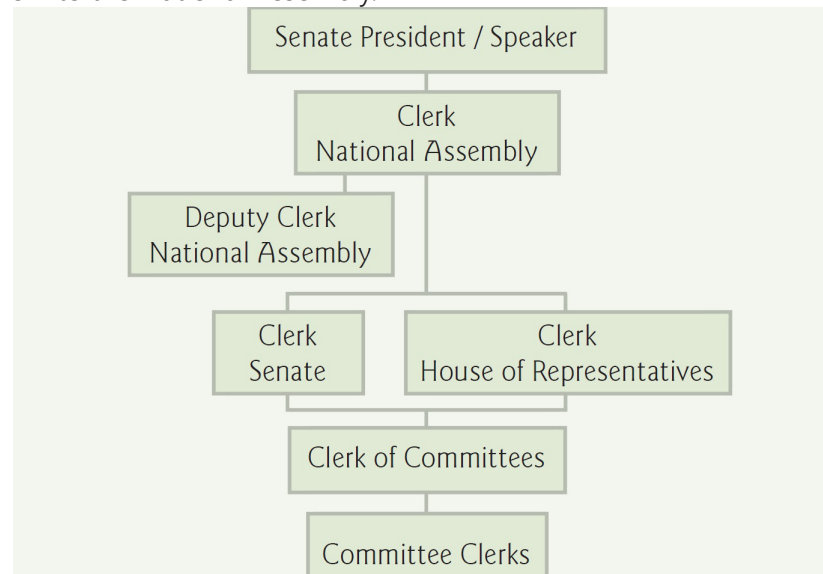
ADMINISTRATION OF THE NATIONAL ASSEMBLY

CLERK TO THE NATIONAL ASSEMBLY

“ There shall be a Clerk to the National Assembly and such other staff as may be prescribed by an Act of the National Assembly, and the method of appointment of the Clerk and other staff of the National Assembly shall beas prescribed by that tab ”

The Clerk of the National Assembly is the senior-most serving officer in the National Assembly. The Office of the Clerk of the National Assembly is the highest administrative office of the Assembly. The Clerk is the Chief Accounting Officer of the Assembly, and is supported by a Deputy Clerk of the National Assembly. The current serving Clerk of the National Assembly is Alhaji Salisu Maikasuwa. He reports to the President of the Senate and the Speaker, House of Representatives.

The Clerks of the House of Representatives and the Senate both report to the Clerk to the National Assembly. The Clerk to the National Assembly has a Deputy Clerk who sits in his absence and who is assigned to specific responsibilities by the Clerk to the National Assembly.



Functions of Clerk of the National Assembly

- Principal adviser to the President of the Senate and Speaker, House of Representatives and members of the National Assembly on rules, practices and procedures of Parliament
- Chief Accounting Officer of the National Assembly - the accounting officer has responsibility for ensuring that money is spent in accordance with the principles of "regularity" and "propriety"
- Administering the Oath or Affirmation of Allegiance
- Receives and registers new members
- Allocates offices and ensures their maintenance

- Provides advice to Members on the operation of proceedings
- Keeping and circulating minutes of the proceedings of the Assembly and its committees
- Preparing and circulating the daily agenda (Order Paper) of the business of the Assembly
- Maintaining a record of votes, records, bills and other documents of the Assembly
- Production of the official report of all speeches made in the Assembly (Hansard)
- Providing clerks for other committees of the Assembly Chamber Role
- Assisting the President or the Speaker to run chamber proceedings, including having a thorough knowledge of the rules of the chamber and tabling (recording) all documents presented to the chamber
- Helping the President, the Speaker and members of parliament to organize the order of business each day, including providing advice on chamber procedure
- Certifying the passage of bills (proposed laws) through the Parliament
- Recording the actions and decisions of the chamber in a daily publication (this is called Votes and Proceedings)
- Assisting with ceremonial occasions, such as the opening of Parliament and the swearing-in of new members of parliament.

Departments in the office of the Clerk

S/No	Department	Head
1	Medical	Director
2	Internal Audit	Director
3	Information Communication Technology	Director
4	Information and Publication	Director
5	Sergeant at Arms	Sergeant at Arms
6	Protocol	Director
	i. Senate Protocol	Deputy Director
	ii. House or Representatives Protocol	Deputy Director
7	National Secretariat of Nigerian Legislatures	Director
8	General Services and Liaison Office	Director
9	Official Report	Director

Deputy Clerks

Each chamber also has a Deputy Clerk and several Committee Clerks who support the Clerk in their duties. Like the Clerk, the Deputy Clerk provides advice to Members on the operation of proceedings. The Deputy

Clerk also keeps a detailed record of proceedings, which, along with the record kept by the Clerk, form the basis of the official minutes of the Senate/House—the Votes and Proceedings. The Deputy Clerk is responsible for advising and assisting Members, their staff and officers on matters of parliamentary practice and law, and drafting private members bills and amendments. The Deputy Clerk assists the Clerk in the management of the department and during the Clerk’s absence performs the duties of Clerk.

Department role

When the Clerks are not in the chamber, they work from an office either in the Senate or the House of Representatives. They have several responsibilities, including:

running the department, which organizes the daily operations of the Parliament and assists members of parliament in their work

advising members of parliament on chamber rules, parliamentary practice and procedure, the requirements of the Nigeria Constitution and laws that affect the Parliament.

Committee Clerk:

Some of the key tasks and responsibilities of a Committee Clerk are to:

- Maintain all committee records;
- Advise the committee Chair on the procedure during meetings of the committee;
- Follow up on actions on decisions/resolutions of the committee;
- Prepare in consultation with the Chairman, Committee Budget;
- Administer, monitor and account for Committee expenditure;
- ensure proper management and maintenance of office equipment and facilities;
- ensure that Committee Meetings are convened, duly notify Members and prepare all modalities of meetings;
- coordinate the administrative work of experts, consultants and support staff;
- assist Members in drafting Bills and Motions;
- conduct research on measures/policies/bills assigned to the committee;
- handle general administration and control on the properties of the committee;
- liaise with government bodies, civil society organizations and the general public on behalf of the Committee;
- prepare the Minutes of Committee Meetings;
- arrange travel and logistics for Members in consultation with the Chairman and other relevant departments;
- draft official correspondences in consultation with the Chairman and, where

necessary, other Members;

- arrange for the attendance of witnesses and the payment of their expenses when authorized by the committee;
- administer oaths to witnesses testifying before the Committee;
- manage the Committee Secretariat and allocate functions to support staff; .
- prepare the quarterly/mid-session/sessional Committee Reports and ensure that they are submitted to the Office of the Clerk of Committees;
- write procedural rulings for use by the Chairman;
- Draft agenda of meetings and other functions of the committee in consultation with the Chairman
- brief the Chairman and Members from time-to-time, on the status of Bills referred to the Committee;
- arrange Committee Hearings in consultation with the Chairman and Members;
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SERGEANT-AT-ARMS

The Sergeant-at-Arms is a parliamentary officer in the National Assembly. They are one of the few people, other than members of parliament, who work in the chamber.

CHAMBER ROLE

- The Sergeant-at-Arms has several responsibilities within the chamber, including:
- escorting the Presiding Officers into and out of the chamber, while carrying the Mace
- assisting the Presiding Officers to maintain order in the
- chamber and the public galleries of the National Assembly
- recording the attendance of members
- standing guard during a division vote when all chamber doors are locked
- delivering formal messages from the House of Representatives to the Senate
- playing an important role in ceremonial occasions, such as the opening of Parliament.
- The Sergeant-at-Arms is required to be in the chamber at the beginning of each sitting day.

DEPARTMENT ROLE

When not in the chamber, the Sergeant-at-Arms works from an office in the Office of the Clerk of the National Assembly and has several responsibilities, including:

- organizing office accommodation and supplies for members and staff
- maintaining security in the National Assembly
- advising the Presiding Officers on broadcasting Parliamentary proceedings
- Organizing bookings for visitors to the National Assembly

HISTORY

The role of the Sergeant-at-Arms dates back to early British history. Originally, sergeants-at-arms were members of the British royal bodyguard. In the fourteenth century, a royal Sergeant-at-Arms was appointed to serve in the British House of Commons. From its beginning, the Australian Parliament adopted the practice of appointing a Sergeant-at-Arms to serve in the House of Representatives.

DRESS

Traditionally, the Sergeant-at-Arms wore silver-buckled shoes, stockings, knee-breeches, black coat with a large rosette on the back, waistcoat, stiff shirt front, white lace around the neck (called a jabot) and cuffs, white gloves and a ceremonial sword. In the Nigerian Parliament, the Sergeant-at-Arms usually wears a modified version of this costume.

COMMITTEES IN THE NATIONAL ASSEMBLY

Establishment

Section 62(1) of the Constitution of the Federal Republic of Nigeria (1999) empowers each House of the National Assembly to appoint Committees for both special and general purpose as may be considered expedient. Senate Standing Order 96 provides for the establishment of Special Committees within the first fourteen legislative days of its first sitting. Similarly, House Standing Order XIV provides for the establishment of same within the first thirty legislative days.

Also, Section 62(3) of the Constitution provides for the appointment of a Joint Finance Committee by the Senate and House of Representatives, while Section 85(5) makes the establishment of a Public Accounts Committee in each House mandatory. Section 62(4) empowers each House of the National Assembly to make its internal regulations for conduct of legislative business.

DEFINITION

Committees are small groups or sub-divisions of Legislators assigned on temporary or permanent basis during the life-span of a Parliament to examine matters more closely than could be done in the Plenary.

POWER OF COMMITTEES

The Standing Orders of the Houses empower the committees to initiate any studies/investigations in the exercise of their mandate and may conduct their proceedings as they deem fit provided they do not exceed the authority vested in them by the House.

Specifically, the committees can do the following:

- Examine and inquire into all matters within their jurisdiction and those the House may refer to them.

- Report to the House from time to time.
- Attach dissenting or supplementary opinions to Reports
- Require the attendance of persons and/or the production of documents or witnesses.
- Sit during House Plenary Sessions or when its stands adjourned.
- Sit jointly with other House Committees.
- Have any documents/evidence published from day to day as required.
- Delegate powers to sub-committees except the power to report directly to the House.
- Broadcast and televise their meetings and, Retain the services of experts and professional staff.

Importance of Committees

The committees of the National Assembly are the engine room of the legislature, the pivot upon which the oversight, law-making and confirmatory processes rest upon. All members of the Senate and House of Representative are members of at least a number of Committees. Most of the detailed work of legislation is undertaken by the Committees, which embark on investigative or fact finding tours, public hearings among others. Presently, the Senate has 57 committees while the House of Representatives has 91 committees.

Functions of parliamentary Committees

General functions:

Parliamentary committees can range over all the functions that the legislature itself performs, with the exception of determining the formation of the Government. They perform functions which Houses of Parliament are not as well-fitted to perform, such as finding out facts of a case or issue, examining witnesses, sifting evidence and drawing up reasoned conclusions.

Accountability:

Committees provide an increased ability for the Parliament to scrutinise government policy and expenditure. Committees are frequently appointed to parallel the ministerial or departmental structure adopted by the Executive. Each committee has a responsibility to provide oversight of government agencies within specific portfolios. The accountability functions of parliamentary committees include their ability: to conduct inquiries;

- to compel the attendance of persons and presentation of documents; and
- to make reports and recommendations to Parliament.

Duties of a Committee Chairman

Some of the key tasks and responsibilities of a Committee Chairman are to:

- convene Committee Meeting;
- preside over all Committee Meetings;
- sign all Committee documents (that is; Reports, Minutes of Meetings, Budget, etc.)
- recommend payment of Members and staff expenses claims relating to Com-

mittee business.

Committee Clerks

The Committee Clerk sees to the general administration of the Committee – s/he coordinates the various support staff of the Committee, like the Research officers of the Committee, the consultants of the Committee, etc. The committee Secretary draws up the ‘agenda’ and ‘calendar’ for the Committee, etc.

Types of Committees

The following are the types of Committees in the National Assembly.

Special Committees:

Special Committees are established in accordance with the provisions of the Standing Orders of either Chamber and operate throughout the life of the Assembly that appoints them.

They include:

- *Committee of Selection*
- *Committee on Rules and Business*
- *Committee on Senate/House Services*
- *Committee on Public Petitions*
- *Committee on Public Accounts*
- *Committee on Ethics and Privileges*
- *Committee on Security and Intelligence*
- *Committee on Media and Publicity*

Standing Committees:

These Committees exist throughout the life of an Assembly. They are set up along policy lines to deal with subject matters or special areas of their jurisdictions.

Joint Committee:

The Joint Committee of the Senate and the House of Representatives consists of selected Legislators of both Chambers who are empowered to meet and approve legislative decisions for and on behalf of both Houses at a Joint Sitting. An example of a Joint Committee is the Joint Finance Committee.

Conference Committee:

Conference Committees stand out among the Joint Committees in a bicameral Legislature. They are constituted to harmonize differences arising from legislation or other measures passed in both Chambers of a Legislature.

Ad-Hoc Committees:

Ad-Hoc Committees are established by Resolutions of the Houses for, the purpose of undertaking particular assignments such as investigations or studies. At the conclusion of these assignments, they cease to exist.

Committee of the Whole:

A Committee of the Whole consists of the entire Membership of a Legislative Assembly. In the Senate, it is chaired by the President of the Senate and in the House by the Deputy Speaker.

Committee of Supply

The Report of the Committee on Appropriations on an Appropriation Bill or any Money Bill is considered in the Committee of Supply.

Committee Finances

The Committee Clerk prepares, in consultation with the Chairman, the budget of the Committee; administers and monitors the expenditure of the Committee and advises the Committee on the level of expenditure vis-à-vis the budget on any assignment. Also, signs for all releases of funds to the Committee and ensures that all advances are retired in accordance with financial regulations and extant laws.

Parliamentary committees and peacebuilding

The important role of parliamentary committees in assisting Parliament to perform a role in the peace building process is increasingly being recognised. Parliamentary oversight of the security sector (military, police & intelligence services) is desirable as part of the legislature fulfilling a peace-keeping role. Frequently this oversight occurs under a legislative framework, and is often conducted by parliamentary committees

Legislation:

Committees can be an important part of the legislative process. Examination by a committee can allow public input into the legislative process.

Representation/Education of Members:

Committees enable the Parliament to be taken to the people, and enable evidence to be gathered from expert groups or individuals. They enable direct contact between the public and representative groups of Members of Parliament and a flow of information to Members. They facilitate an increased level of collegiality between members from different political parties who may not otherwise have the opportunity to work with one another.

MAKING LAWS

The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representatives. The National Assembly shall have power to make laws for the peace, order and good government of the Federation.

*Nigerian Constitution, Part II: Power of the Federal Republic of Nigeria
Nigerian Constitution, Section 4: Legislative powers*

Powers and Functions of the National Assembly

The National Assembly is the highest elective law making body of Nigeria. The Constitution has vested in it the power to make laws. The National Assembly has broad oversight functions and is empowered to establish committees of its members to scrutinise bills and the conduct of government officials.

The Senate has the unique power of impeachment of judges and other high officials of the executive including the Federal Auditor-General and the members of the electoral and revenue commissions, the power is subject however to prior request by the President. The senate also confirms the President's nomination of senior diplomats, members of the federal cabinet, federal judicial appointments and independent federal commissions.

A Bill and Law

A bill is a proposal for a new law, or a proposal to change an existing law. A law is a rule or set of rules made by the Parliament (Proposals for new legislation, or amendments to legislation, can come from many different sources, including the Cabinet of the government, members of opposition parties, or through suggested amendments to existing laws received from bodies like the Federal Executive Council or the Federal Civil Service Commission.

Where do these bills come from?

Executive Bills: These bills deal with public policy. They originate from the Executive Branches of Government.

Members' Bills: These are Bills originating from Members of the Legislature. A member can initiate legislation in pursuance of his electoral promises or upon request by private citizens and organizations.

Judiciary Bills: Such Bills emanate from the Judicial arm of Government.

Bills from Organizations and other bodies: These are Bills originating from individuals, professional bodies and the general public. However, the rules of the Legislature do not permit members of the general public to sponsor Bills in the House. To that extent, private Bills can only be sponsored by elected Members.

Bills Affecting Private Rights: These are bills of public interest emanating from particular persons and associations for their own benefit.

How bills are considered by the National Assembly

The processes of law making generally requires a long period of deliberation and consideration of the many interests and implications of the bill. Each bill is assigned a number, read by title only and sponsor. All bills are numbered or marked according to their chamber of origin. For example, a bill from the House of Representatives is marked HB (House Bill) while the one from the senate is marked SB (Senate Bill). An executive bill is marked with "Executive" printed on the title page of the bill. It is printed tiny and to the right hand side of

Stages of a Bill

A Bill goes through several stages before it is passed into Law.

Summarily the processes can be as follows;

- Gazette/Journal Publication
- First Reading
- Second Reading
- Referral to relevant Standing Committee(s)
- Public Hearing (Where applicable)
- Reported out and considered in the Committee of Whole.
- Third Reading/Passage
- Transmitted to the other Chamber for concurrence or otherwise
- Joint Committee made up of Members of both Chambers to harmonize any identified difference.
- Agreed final clean copy sent to Mr. President for assent.
- Becomes an "Act of Parliament"/Law

the page.

Stage 1: Identification of the Need for a Bill, Proposal Stage

The first stage is the identification of the need for a bill. This bill can be a new one, introducing a new idea not yet covered by an existing law. It can also be an amendment to an existing law, which is thought to be inadequate either because of some changes in the policies of the government or changes in the society. It can also be that the existing law is considered to be infringing on another fundamental human right, that is, it goes against provisions of the constitution that guarantees a rights of Nigerian citizens.

Stage 2: First Reading

The member who wishes to propose the new law or legislative amendment introduces the bill to the House. This is known as the first reading. Only the title of the bill is read at the first reading, and copies are distributed for members of parliament to read. The Clerk of the House/Senate usually does the reading of bills scheduled on the House/Senate Calendar. The reading simply informs the members that a particular bill has been introduced and received.

Second Reading

At this stage, members of the House/Senate may ask for further explanation as to the effect of the bill, its costs and the administrative arrangements for the proposed law. Amendments to the bill can also be proposed at this stage. This period is when debate occurs on the bill. It commences with a motion by the Senate

or House Leader that the bill be read the second time, if it is an Executive Bill. The motion must be seconded (supported) by any of the other parties' leaders. When it is not seconded, the bill cannot be debated but in most cases, Executive bills are allowed, as a matter of courtesy to proceed to a second reading. The bill may receive the support of the majority of the House/Senate and be allowed to move to the next stage. Once it gets the needed support, it moves to the committee stage.

Committee Consideration

This is the period when the committee assigned to deliberate on a bill examines it more critically. The House and the senate have two types of committees. The first one is the committee of the whole House and second, is the Standing Committees. The House and Senate have many of standing committees. Committees examine all aspects of the bill clause-by-clause and point-by-point. They also organize public hearings on the bill. Committee of the Whole House After the committee has concluded its work, it will report to the whole House/Senate. It must ask the House Rules and Business Committee/Senate Committee on rules and Procedures to put the bill on the House/senate calendar (i.e. fix a date and time for the hearing of the committee's report). The House/Senate reviews the report of the committee. When all issues have been discussed and concluded, the bill can go to the next stage: the third reading.

Third Reading

During the third reading the house is asked to vote on the bill. Once the bill is passed by the house in which it was introduced, it moves to the other house for consideration. Any amendments which have been made appear in the new version of the bill. After the report of the committee and the deliberation of the committee for the Whole House, a motion may be moved that the bill be read the third time. Generally, no amendment can be entertained after the third reading stage.

Stage 3: The Clerk and the Clean Copy of the Bill

When a bill has been read the third time, a clean printed copy of it, incorporating all amendments will be produced, signed by the Clerk and endorsed by the Speaker/Senate President. Both chambers must agree on the final form of each bill.

Conference Committee

If either house fails to concur in amendments made by the other, a conference committee of senators and Representatives must reconcile the difference. Compromises agreed to by conference committees are then subject to approval by both houses.

Stage 4: Presidential Assent

Once the bill has been passed by both houses it is presented to the President. It is the responsibility of the President to assent to the new law, which means giving the President's seal of approval. The bill becomes law on the date of the President's assent unless it has a specific clause stating it will only start on a specified date. Once it is law, the bill becomes an act or a statute. The President has 30 days to act on a bill after it has been received. If he disagrees with the provision of the bill or some aspects of it, he can veto by withholding his/her signature. However, the National Assembly is empowered by the Constitution to overrule the veto of the President. If, after 30 days, the president refuses to sign the bill and the National Assembly is not in support of the President's amendments, the two Chambers can recall the bill and re-pass it. If the bill is passed in the form it was sent to the President by two thirds (2/3), majorities in both chambers, the bill automatically becomes law even without the signature of the president.

Gazetting of a Law

Gazetting is the official publicising of law or other material by the state in its government gazette. A Government Gazette is the official publication of the government for this and other purposes of disseminating information. Gazetting means that the law has been passed. It is possible that the law does not come into effect on the day it is so published in the Government Gazette because the law itself states a date on which it will come into effect. However, the gazetting is a way of officially informing the general public that the state has passed a law and its contents.

Resolutions

Besides bills the Legislature may express its feelings in simple, concurrent, or joint resolutions. Simple resolutions require action by only one house. They are used to handle procedure, organization, or to express the sense of the chamber on a particular matter. Frequently, the House or Senate pass a simple resolution to adjourn in honour or memory of an individual.

Public Hearings

Definition: A public hearing is a mechanism by which Legislative Committees obtain information, expert opinions, and alternative perspectives on a proposed or pending piece of Legislation and other matters within their jurisdiction. Public Hearings inform Legislators, other arms of government and the general public of the measures under consideration.

Public Hearings are intended to:

- stimulate public discussions within and outside the Legislature on measures under consideration;
- advertise, inform and educate the public on the activities of the Legislature to stimulate interest in the process of law-making;
- enhance the working relationship between the Legislature and other arms of government, particularly Ministries, Departments and Agencies;
- enable Legislators to perform their oversight functions.

Types of Hearings

Legislative Hearings: Committees may conduct Hearings on existing statutes or draft laws, or to promote policies. Such Hearings may be intended to develop positions on future legislative activities.

Oversight Hearing: Oversight Hearing is a supervisory public Hearing to consider a measure, issue or problem. It examines the quality of government programmes and the level of performance of government officials. Oversight Hearing also ensures that the implementation of a law by the Executive is in accordance with the intentment of the relevant Act and budgeted resources.

a. Investigative Hearing: Investigative Hearing is subject to the provisions of Section 88 of the 1999 Constitution.

b. Quasi-Judicial Hearing: Quasi-Judicial Hearing is more formal than Legislative Hearings. However, a Quasi-Judicial

Hearing is not as formal as judicial court proceedings. An example of a Quasi-Judicial Hearing is Impeachment Proceedings of a Legislative House. A Legislative Assembly also conducts Quasi-Judicial Hearing on Public Petitions. Such decisions even if correct may be over turned by a court of law if proper procedures were not followed.

THE BUDGET

“ The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year

Section 81 of the Constitution of the Federal Republic of Nigeria, 1999

What is the Budget?

A national budget is a financial document prepared at the end of each fiscal year with the expected expenditures of the entire nation. It mainly includes the sources of revenue and expected expenditure on employees of the national governments as well as the projects initiated by the national government. Budgeting is one of the most important areas of policymaking.

Through budgets, governments indicate how much it is willing to spend on public purposes, set substantive policy priorities within overall spending levels, determine the amount that must be borrowed in order to finance approved spending levels, and thus influence the economy.

The Budget Process

In Nigeria, the preparation of the budget is a shared responsibility of the Executive and Legislative arm of the Federal Government. The budget, which is officially referred to as the Appropriation Act, is introduced by the Executive, approved by the Legislature and signed into law by the President.

Budget Planning/Formulation

The Budget Office of the Ministry of Finance develops the budget in accordance with the Federal Government’s fiscal policy. The Budget Office meets early in the fiscal year with key revenue generating agencies as well as key economic agencies to assess and determine trends in revenue performance and macroeconomic indicators and the implication of such trends for the next three fiscal years. This discussion leads to the preparation of a Medium-Term Expenditure Framework Report, which includes the Fiscal Strategy Paper and MDAs expenditure ceilings, which is presented by the Minister of Finance first to the Federal Executive Council and then to the National Assembly for consideration and approval.

The Fiscal Responsibility Act of 2007 is an act that provides for prudent management of the nation’s resources, ensures long term macroeconomic stability of the national economy and secures greater accountability and transparency in fiscal operations within a medium term fiscal policy framework and the establishment of the Fiscal Responsibility Commission to ensure the promotion and enforcement of the nation’s economic objective; and other related matters.

Budget Call Circular and Preparation of the Executive Budget Proposal

Once the Nigeria’s Medium Term Expenditure Framework (MTEF), Fiscal Strategy Paper and MDAs’ expenditure ceilings have been approved by the Federal Executive Council, the Budget Office, under the supervision of the Minister of Finance, issues a “Call Circular”. The Call Circular instructs the MDAs to allocate their allotted capital expenditure ceilings across their existing and new projects, programmes and other initiatives. MDAs are also required to submit estimates of their recurrent expenditure requirements for personnel costs and overhead. The Budget Office evaluates and consolidates the submissions of the various MDAs and prepares the draft budget. This process

most times, takes place in August.

Presidential Submission to the National Assembly

The draft budget is presented by the Minister of Finance to the President for approval. The approved budget, together with supporting documents, is formally presented by the President to the National Assembly for consideration and appropriation, typically at a joint session of the Senate and the House of Representatives.

Legislative Scrutiny and Approval

The budget is considered separately by the House and Senate of the National Assembly in accordance with the legislative practice and procedures. The two houses harmonize their drafts and the recommendations of the various committees are considered and collated with the oversight of the MDAs. The harmonized budget is approved separately by each chamber of the National Assembly, after which it is presented as the Appropriation Bill to the President for assent. Once the President assents to the Appropriation Bill, it becomes an Act of parliament passed into law.

Budget Implementation

The implementation of the budget is carried out by the various Ministries, Department, and Agencies (MDAs) of the federal government. Funds for capital projects are released on a quarterly basis to the relevant spending MDAs in line with what is allocated to them in the budget. Recurrent expenditure refers mainly to expenditure on operations, wages and salaries, purchases of goods and services, and current grants and subsidies. Capital expenditure is primarily expenditure on the creation of fixed assets and on the acquisition of land, buildings and intangible assets.

Monitoring and Evaluation of the Federal Budget

The oversight of budget implementation is the final stage of the budget process. The monitoring is done by the Ministry of Finance, the National Planning Commission (NPC), the National Assembly, the National Economic Intelligence Agency (NEIA), the Presidential Monitoring Committee (PBMC), the Office of the Auditor General of the Federation and the Accountant General of the Federation. Actual inspection of the capital projects are carried by these agencies in various capacities, predominant among them is the Ministry of Finance; the National Planning Commission and National Assembly through its think-tank – the National Institute for Legislative Studies (NILS). While copies of the budget Implementation reports are on the website of the Federal Ministry of Finance, such reports from NILS are made available to the National Assembly presiding officers and relevant Committees.

Budget and the Oversight Functions of the Legislature

Oversight is an important and constitutional part of lawmaking. Legislators are required to monitor the implementation of budget by the executive arm of government. By Section 88 of the Constitution, the National Assembly is empowered to conduct investigations into any matter or thing with respect to which it has power to make laws. It also has power to conduct investigations into the conduct or affairs of any person, authority, ministry or government department charged, or intended to be charged with the duty or responsibility of executing or administering laws enacted by it and the disbursement or administration of funds appropriated or to be appropriated by the lawmakers.

...“each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for (i) executing or administering laws enacted by the National Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly”. Section 88, Sub sections 1(a) (b) and 2(a) (b) of the 1999 Constitution of the Federal Republic of Nigeria

...“the powers conferred on the National Assembly under the provisions of the section are

exercisable only for the purpose of enabling it to (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and (b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it". Sub-section 2(a)-(b)

The legislature uses investigating committees – appropriation committee, standing committees, ad hoc committees and various other committees – to collect and analyse information concerning the administration of state programs and implementation of governmental policies, as almost any aspect of government's activities may come under legislative examination. And the possibility of legislative investigation doubtless contributes to administrative responsibility and rectitude.

Purpose

The general purpose of legislative oversight has been adequately summarized to include, but not limited to, the attainment of the following objectives:

To detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens;

To hold the government accountable in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations.

To ensure that policies announced by the government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes; and

To improve the transparency of government operations and enhance public trust in the government, which is itself a condition for effective policy delivery.

Oversight Tools

To undertake oversight functions, parliaments use various mechanisms or tools to obtain the information they require concerning any matter over which they are conducting oversight. The tools are used either singly or in combination in dealing with a particular issue. The commonly used tools are;

Committee (Public) Hearing – A public hearing is a mechanism by which Legislative Committees obtain information, expert opinions, and alternative perspectives on a proposed or pending piece of Legislation and other matters within their jurisdiction

Hearing in Plenary Session - this usually takes the form of subjecting agents of the executive to appear before the plenary session of either house of the legislature or joint houses or the discussion of thorny national issues that are eventually backed by a resolution.

Creation of Commission of Inquiry and Special Investigative Committees - these are usually investigative oversight that arise out of the need to investigate a suspected misnomer or abuse.

Auditor –General – This is a creation of section 85 of the Constitution. Section 86 of the Constitution specifies that "the Auditor – General of the Federation shall be appointed by the President on the recommendation of the Federal Civil Service Commission subject to confirmation by the Senate". Section 85 (2) states "the public accounts of the Federation and of all offices and courts of the Federation shall be audited and reported on by the Auditor – General who shall submit his/her report to the National Assembly and for that purpose, the Auditor – General or any person authorized by him/her in that behalf shall have access to all the books, records, returns and other documents relating to those accounts".

Public Accounts Committee - this is usually a special committee of both houses of the legislature whose responsibility includes but not limited to;

- a. examining the accounts showing the appropriation of the sums granted by the Legislature to meet Public expenditure, together with the auditor's reports thereon*
- b. examining any accounts or reports of statutory corporations and Board etc.*
- c. Warrant of Arrest/Power to Arrest – this is granted to the legislature by the Legislative Houses (Powers and Privileges) Act (The Laws of the Federation of Nigeria 2004) to enable it force appearance before it and to protect it from ridicule.*
- d. Oversight Visit – often members of the legislature and their staff undertake visit to government agencies and project site to verify claims made and to experience first-hand the operations of government and its programs.*
- e. Reporting Requirement – departments and agencies of government are required to submit annual reports to the legislature. The legislature also requires its committees to submit reports that include information on their oversight activities.*

