
communication, interaction with national institutions and polity, intensive study and analysis of the interplay of the socio-economic, cultural and political variables that are the causes of legislation at both national and state levels.

The 1979 Constitution was viewed to produce the 1989 Constitution which was not enacted, but its provisions were utilised to inaugurate the hamstrung 1993 legislature. The Assembly existed for only one year with a nominal committee system, as the institution was precluded, by military decree, from participating in relevant national policy measures. The 1989 Constitution was reviewed between 1994-1995 which later gave birth to 1999 Constitution. The 1999 Constitution provided for effective committee system in the bicameral legislature of the National Assembly.

The Committee system is the engine component of the legislative process in a presidential system. When it is effective, it operates as the functional machinery of the legislative institution for the purpose of demonstrating separation of powers, overseeing the activities of the other arms of government on behalf of the people and procuring relevant information to facilitate the building or restructuring of the statutory fabric of the nation.

1.1 STRUCTURE OF THE NIGERIAN NATIONAL ASSEMBLY

The Nigerian National Assembly is a bicameral legislative assembly. Section 47 of the Constitution states that “there shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives”. Section 48 states that “the Senate shall consist of three Senators from each State and One from the Federal Capital Territory, Abuja.

Section 49 states “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 structure of the National Assembly can be discussed from two perspectives – (a) the political structure and (b) the administrative or bureaucratic structure.

(a) POLITICAL STRUCTURE

The President of the Senate according to the 1999 Constitution of the Federal Republic of Nigeria is the Chairman of the National Assembly and presides at joint sessions of both the House of Representatives and the Senate. In his absence, the Speaker would preside.

The Senate President and the Speaker of the House of Representatives preside over the affairs of the Senate and the House of Representatives respectively.

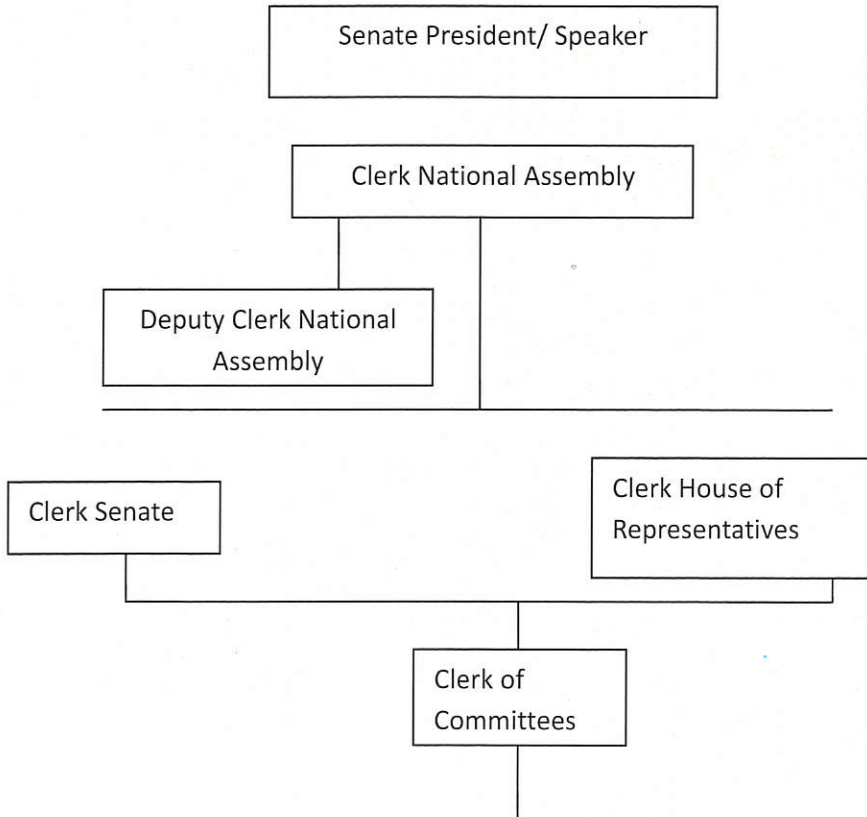
However, both houses are governed by its leadership made up of the body of Principal Officers of the respective Houses. This body of Principal Officers forms the Selection Committee which selects the membership of the various Special and Standing Committees of the respective Houses. The body of Principal Officers also determines the policy direction of the respective houses and makes decisions on behalf of their respective houses.

The membership of the Senate and House of Representatives are composed into legislative committees (56 in the Senate and 91 in the House) each with jurisdictional powers to carry out legislative functions. Each committee has a Chairman and a Deputy Chairman.

(b) ADMINISTRATIVE STRUCTURE

The Clerk to the National Assembly is the Administrative Head and Chief Accounting Officer of the National Assembly and reports to the President of the Senate and the Speaker, House of Representatives.

Organogram of the National Assembly



Section 51 of the 1999 Constitution of the Federal Republic of Nigeria provides as follows: “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 be prescribed by that Act.”

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.

Organogram of a Legislative Committee



1.2 THE SENATE

The President of Senate presides over the sittings of the Senate and he is the third person in the order of precedence in the nation, after President and Vice President of the Federal Republic of Nigeria. Section 146(2) of the 1999 Constitution as amended, provides that where any vacancy occurs in the office of the Vice President of the Federation or when the office of the President is also vacant, the President of the Senate shall hold the office of President of the Federation for a period of not more than three months, during which, there shall be an election.

PRINCIPAL OFFICERS OF THE SENATE

The principal officers of the Senate are:

- a. The President of Senate
- b. The Deputy President of Senate
- c. The Senate Majority Leader
- d. The Chief Whip
- e. The Minority Leader
- f. The Deputy Majority Leader
- g. The Deputy Chief Whip
- h. The Deputy Minority Leader
- i. The Minority Whip
- j. The Deputy Minority Whip

1.3 THE HOUSE OF REPRESENTATIVES

The Speaker presides over the sittings of the House and in his absence, the Deputy Speaker presides.

PRINCIPAL OFFICERS

The principal officers of the House of Representatives are:

- a. The Speaker;
- b. The Deputy Speaker;
- c. The House Leader;
- d. The House Whip;
- e. The Minority Leadership;
- f. The Deputy Majority Leader;
- g. The Deputy Chief Whip;
- h. The Deputy Minority Leader;
- I. The Minority Whip; and
- j. The Deputy Minority Whip.

1.4 THE POLITICAL PARTIES

The political parties in the National Assembly and in the two chambers are divided into two groups, namely, the majority party and minority party. This division affects the nomination of legislators into various committees as the membership of committees reflects the numerical strength of the parties.

The minority parties participate in the election of the presiding officers but do not nominate candidates to contest the election. The majority party nominates the majority leader, the deputy majority leader, the majority whip and the deputy majority whip. The minority party or parties nominate the minority leader and his deputy, the minority whip and his deputy.

The political parties nominate legislators for appointment into committees by the Committee of Selection. The appointments are subsequently approved by the chamber concerned.

1.5 JOINT SITTING OF THE NATIONAL ASSEMBLY

Section 53(2) of the 1999 Constitution as amended, provides that at any joint sitting of the Senate and the House of Representatives, the President of the senate shall preside and in his absence, the speaker of the House of Representatives shall preside.

CHAPTER TWO

2.0 COMMITTEES

2.1 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.

2.2 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.

2.3 JURISDICTION

Legislative Committees perform a broad range of functions. They scrutinise draft Bills, oversee Government programmes, and provide an opportunity for the public to participate in the legislative process.

2.4 MEMBERSHIP

Membership of a Committee consists of the following:

- Chairman, Deputy Chairman and Members.
- Members are appointed to Committees by the Committee of Selection and reflect the strength of the various political parties in the two Chambers.
- In the Senate, membership of Committees is not less than nine and not more than thirteen Senators. While in the House of Representatives a Member is not expected to belong to more than five Committees for effective legislative performance.

2.5 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:

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- 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. Joint committee can also refer to a committee's assignment that cut across the jurisdiction of more than one committee in a given House.

CONFERENCE COMMITTEE:

Conference Committees stand out among the Joint Committees in a bicameral Legislature. They are constituted to harmonise 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 SUPPLY

The committee of supply is a committee of the whole House wherein the report of the standing committee on appropriation, in respect of the annual Appropriation bill, is considered.

COMMITTEE OF THE WHOLE:

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

FEATURES OF THE COMMITTEE OF THE WHOLE

When the resolution to go into the Committee of the Whole is adopted by the chamber, the following scenario arises in the chamber:

- a. The presiding officer President of the senate or Deputy Speaker as the case may be moves to occupy the lower table of the clerk. The clerk moves down to join the table officers' row.

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- b. The mace which hitherto had been at the upper bracket is lowered by the Sergeant-at-Arms to the lower bracket of the table.
 - c. The presiding officer is then addressed as the chairman.
 - d. The rules of debate in the Committee of the Whole are more relaxed than they are in the plenary.
 - e. The quorum for the Committee of the Whole is same as the quorum for plenary.
 - f. In the House of Representatives, the Deputy Speaker chairs the committee of the whole except in the case of money bills.

FUNCTIONS OF THE COMMITTEE OF THE WHOLE

As is the case with committees, the committee of the whole is resorted to when considering a matter that should be more expediently discussed in a committee than in plenary. Accordingly, the Committee of the Whole is used for:

- a. Considering a bill clause by clause after it has been processed by a Standing Committee and reported to the plenary or when the House decides to refer a measure straight to the Committee of the Whole after Second Reading without referral to a Standing Committee.

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- b. Considering the report from Standing or Select Committees.
 - c. Receiving explanations from professionals and experts invited to address the chambers instead of committees.
 - d. Interviewing nominees for state appointments. By parliamentary practice, no one except elected or official members of the House can speak aloud in the chamber when the House is in session and the mace is on the top bracket.

PROCEDURE FOR CONSIDERATION OF BILLS IN THE COMMITTEE OF THE WHOLE

1. The Title and preamble of the bill stand postponed without any question put.
2. A motion moved in the committee, including amendments need not be seconded.
3. The chairman of the committee shall call the number of each clause in succession or the first and last numbers of a group of clauses and if no amendment is offered thereto, he puts the question that the clause or clauses stand part of the bill.
4. If there is an amendment agreed to on any of the clauses, he puts the question that the clause, as amended, stand part of the bill.
5. No amendment shall be moved which is inconsistent with any clause already agreed upon or any decision

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- already come to by the Committee and the Chairman may at any time during the discussion of a proposed amendment withdraw it from consideration by the Committee, if in his opinion, the discussion shows that the amendment violates the provisions of this rule.
6. A clause may be postponed unless upon an amendment thereto, a question shall have been fully put from the chair.
 7. Postponed clauses shall be considered after the remaining clauses of the bill have been considered and before new clauses are brought up.
 8. When every clause and schedule and proposed new clauses or schedule have been dealt with, the preamble if there is any, shall be considered and the question put that this preamble as amended be the preamble to the bill; provided that no amendment to the preamble shall be considered which is not made necessary by a previous amendment to the bill.
 9. If any amendment be necessary to the title of the bill, it shall be made at the beginning of the proceeding detailed above but no question shall be put that the title, as amended, stand part of the bill.
 10. At the conclusion of the proceedings, the chairman shall put the question that I do report the bill (or the bill as amended) to the House. The question shall be decided without amendment or debate.

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11. The Committee of the Whole is used for newly introduced bills. It is not used for bills returning from Conference Committee or meant for veto override. Those two are considered in plenary.
 12. Debate in Committee of the Whole shall be confined to the subject matter on hand, be it a clause, schedule or amendment.

LIMITS ON THE POWER OF THE COMMITTEE OF THE WHOLE

1. The Committee of the Whole has no power either to adjourn its own sitting or to adjourn its consideration of any matter to a future date. If the consideration of a matter is not concluded, a motion is moved that the chairman do report progress and ask leave to sit again.
2. Two motions to report progress cannot follow each other without some intervening proceedings.
3. If there is a message from the Executive or some summons requesting the House to attend an urgent session, the Committee of the Whole will rise and the presiding officer will resume his seat immediately without waiting for motion to report progress.
4. If any other occasion of public business arises in which the House is involved, the presiding officer resumes his seat at once without receiving the report from the Committee of the Whole.
5. When the incident which caused the interruption is

dealt with, the House again resolves into the Committee of the Whole.

6. A Committee of the Whole cannot suspend any Standing Rules because it is a committee of the main chamber.

ORDER AND DECORUM IN THE COMMITTEE OF THE WHOLE

1. As in other Committees, the Chairman maintains order and decorum in the Committee of the Whole. In the event of a breakdown of order in the Committee, the presiding officer resumes his seat immediately without waiting for motion to report progress.
2. The chairman decides all questions subject to an appeal to the presiding officer.
3. No debate is allowed on any decision of the chairman.
4. If an appeal is made to the presiding officer, the chairman leaves the chair immediately and reports the point of order on which he has ruled. The presiding officer then rules on the matter and no debate is allowed on the ruling.

2.6 POWERS OF COMMITTEES

Generally, the Standing Orders of both 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. Where a committee requires

additional powers to carry out its duties, the House may confer those powers by approving a report from the committee in which those powers are requested or simply by adopting a motion conferring those powers on the committee. Specifically, the committees are empowered to:

- 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
- Summon or subpoena the attendance of persons and/or the production of documents or witnesses. See sections 88 to 89 of the 1999 Constitution as amended.
- Sit during House Plenary Sessions or when it 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.

2.7 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 relating to Committee business.

2.8 POWERS OF A COMMITTEE CHAIRMAN

The Chairman who serves as the Presiding Officer of the Committee maintains order, decorum, and procedure during meetings. Decisions of the Chairman when rendered are not debatable but may be appealed to the committee. The Chairman's decision when upheld by the committee can only be further appealed by a substantive motion in the Senate or House.

The Chairman does not possess the power to censure a member or witness for disorder in the committee. This can only be done by the Senate/House on receiving a report from the committee. The role of the Chairman is of importance to the conduct of the business of the committee. The Chairman does not generally take part in the proceedings of a committee while occupying the Chair.

Confidence in the impartiality of the Chairman is an indispensable condition for the successful working of procedure in a committee.

2.9 RECOMMENDED TIPS FOR BEING AN EFFECTIVE COMMITTEE CHAIRMAN

The best Committee Chairman sets the tone for efficiency, civility, consistency and openness of the Committee meetings and activities. He balances business-like competence with civility and friendliness. The Committee moves through the agenda and work plan efficiently, yet the Committee members patiently listen and participate in the Committee deliberations. He ensures that members don't drift off, engage in side conversations with their colleagues, or gaze into their laptops without injuring their ego. To achieve this success, the Chairman is expected to:

- **Create a communications checklist.** Pre-meeting work is crucial, and an important piece of that is keeping people in the loop. Set up a checklist to make sure you are giving key leaders, staff, members, interest groups (when involved) and the media the information they need and when they need it.
- **Be the Boss.** Committees need clear direction to do the important work of improving bills referred to them. The Chairman ensures that tough questions are presented in a courteous and civil manner.

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- **Become the knowledge expert.** A Committee Chairman earns respect of his/her peers and the public when he/she knows the rules, subject matter and political implications of the Committee's activities and actions.
 - **You can't always be the nice guy.** A good Committee Chairman must have to make tough decisions and not waste the time of other legislators in an attempt to please one interest or another.
 - **Be a strategic thinker.** A good Committee Chairman must think ahead of his/her colleagues on how to navigate out of contagious issues as well as a way out for the Committee and the Parliament in times of unpopular Committee decisions.
 - **Establish good rapport with other Committee Chairmen.** Since no Committee can succeed standing alone, a Committee Chairman must develop good relationship with his/her colleagues.
 - **Always keep the citizen's perspective.** As the Representatives of the people, a C o m m i t t e e Chairman must keep the citizens' perspectives in all decisions of the Committee.
 - **Be fair and consistent.** A Committee Chairman is expected to be fair to all members of the Committee. This can be achieved through honesty, openness and consistency.
 - **Avoid some common problems.** A Committee Chairman has to find the right balance with the

Committee members. He/she needs to listen to the views of his/her colleagues on every subject before the Committee irrespective of its variance with majority opinion.

- **Learn from other Committee Chairmen.** We start dying when we stop learning. A good Committee Chairman must be determined to learn from his/her colleagues from around the globe on how to best chair a committee.

2.10 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-a-vis* the budget on any assignment. He 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.

2.11 PLANNING COMMITTEE SECRETARIAT

It is advisable for a legislative Committee to strategically plan its activities or legislative priorities for each Session. Action plans to achieve productivity are needed to schedule time to consider Bills, conduct Hearings, engage in oversight activities and use external Consultants. Financial and human resource needs must be budgeted for through careful thought and planning on how to accomplish Committee work and achieve results in the public interest.

In addition to this Handbook, rules governing Committee operations can be found in:

- The Constitution of the Federal Republic of Nigeria 1999 (As Amended).
- Standing Orders of the Senate and the House of Representatives
- Legislative Houses (Powers and Privileges) Act 2004 LFN
- Committee Rules of Procedure
- Existing Laws

2.12 MEETINGS

Committees exercise control on the time they meet. In this regard, it is advisable to avoid scheduling Meetings during Plenary Sessions. However, special rules may allow Committees to regulate their time of sitting. Usually, the Chairman of the Committee is responsible for convening Meetings. In special circumstances however, Members of the Committee may cause the Clerk to convene Meetings.

Apart from exceptional cases, all Committee Meetings are supposed to be open to the public. Committees are also required to adopt written Rules.

The Standing Orders of the Senate and House of Representatives make provisions for Committee Meetings. Order 102 Rule 2(b) (Senate) and Order XIV Rule 4(1) (House) provide that each Committee shall adopt regular Meeting days which shall not be less frequent than monthly

for the conduct of its business.

2.12.1 Preparation for Committee Meetings

Notice of Meetings

Notices of Committee Meetings are usually prepared by the Clerk of the Committee in consultation with the Chairman. These notices are delivered to each member's mailbox or office once a week or as required. Members are informed of any changes in Committee meetings in the same manner. The Clerk of the Committee must ensure that the notice is posted in the daily Order Paper by communicating this to the Clerk of the Committee on Rules and Business.

Circulation of Agenda: The Agenda of every Meeting is circulated in good time to all Committee Members through their letter boxes in the Chamber.

Briefs: Briefs and related documents prepared by the Secretariat for Meetings are circulated along with the Agenda.

2.12.2 Preparation for Committee Hearings on Bills

- Bills are usually referred to appropriate Standing Committees after the Second Reading. When a Bill is referred to a Committee, the Committee Clerk shall:
 - consult the Committee for instructions;
 - place the Bill on the Committee's calendar;

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- draw up a list of stakeholders (If Public Hearing is contemplated) in consultation with the Chairman;
 - invite those who have submitted memoranda or have indicated intention to give evidence;
 - make suitable arrangements for refund of travelling expenses of such witnesses on investigative Hearings;
 - prepare a draft Report on the Hearing to serve as the basis for in depth consideration of Bill;
 - consider the Bill clause by clause;
 - produce clean copy of the Bill with or without amendment;
 - consideration and approval of the draft Report on the Bill by the Committee;
 - schedule the Report with the Rules and Business Committee for presentation by the Committee Chairman to the Senate/House in plenary.

2.12.3 Preparation for Committee Tours

When a Committee secures the approval of the Senate/House to proceed on an official tour overseas, the Committee Clerk shall:-

- notify and liaise with the Protocol Office to arrange the logistics of the tour;
- obtain briefs from the Ministry of Foreign Affairs regarding Nigeria/Host relations;
- notify the appropriate Nigeria Mission abroad,

through the Ministry of Foreign Affairs of the proposed tour.

2.12.4 Committee Communication

The Committee Clerk, in consultation with the Chairman, shall initiate correspondence with appropriate Ministries, Departments and Agencies, under their jurisdiction. Also, they shall interact with Civil Society Organisations (CSOs) relevant to their jurisdictions. Committee Clerks shall furthermore, maintain data base on:

- names, addresses and telephone numbers of Executives of Government Ministries, Departments, Agencies and CSOs;
- information on the structure, organisational chart, responsibilities and functions of the Ministry/Department;
- list of on-going projects and stages of completion;
- any other matter which may facilitate the oversight responsibilities of the Committee.

2.12.5 Timing and Location of Meetings

Committee Meetings are to be conducted within the precincts of a Legislative House during normal business hours, on such a day and time as may have been published in the Notices of Meeting. Order 13(1) (Senate) states that Committee Meetings are to hold from 2:00 pm to 6:00 pm from Mondays - Fridays, except the second and fourth Fridays of the month. In exceptional cases however, a

Committee may meet outside official business hours or outside the legislative Assembly while conducting outreach visits.

Times for meetings are usually set according to a schedule established by the rules of the Senate/House at the beginning of each session. It is however, conventional for Committee meetings to be held when the House is not in plenary. A committee may be authorised by the House to meet on additional days or at other times and even at times when the House is sitting in plenary if the situation warrants. In situations where the Committee wishes to meet at a time other than that set out in the schedule established by the House, such a new time must be agreed to at a previous meeting or as deemed fit by the Chairman who in turn directs the Clerk to communicate notice of meeting to members of the Committee.

2.12.6 Quorum

Section 54(i) of the Constitution specifies that the quorum for the meetings of the Committee shall be one-third of all the members. If the Chairman is advised by a member that there is no quorum, the Chairman shall wait for a couple of minutes and then make his count. If indeed there is no quorum, the Clerk of the Committee will record the names of those present in the Minutes of Proceedings and the Chairman must adjourn the Committee meeting until its next sitting.

In order for Committees to conduct valid legislative

business, a quorum shall be established. Every Committee has the power to determine its quorum, which shall not be less than one-third of its membership. See Order 3 Rule 10 (Senate) and Order XVII Rule 113 (House).

2.12.7 Voting Procedure, Decisions and Divisions

Committees usually reach decisions by a vote of the majority. The "majority" does not refer to entire membership of the Committee, but one-third of Members present and voting. The procedure for voting in the Chambers of the National Assembly is governed by Section 56(1) of the Constitution 1999 and the Standing Orders of the Senate and House of Representatives. Chairmen of Committees are not expected to cast a vote except when there is a tie of votes. A Member of a Committee is not allowed to vote by proxy. Any Member of a Committee who has any pecuniary interest in the business under consideration is not expected to vote on the issue. Failure to disclose personal interest may be visited with sanctions in such terms as the Committee may decide.

The modes of voting are:

- voice vote
- signing of register in a Division
- electronic voting device when installed

There shall be finality to a vote. In order to secure this, a Committee Member is only allowed to change his/her vote before the final vote is announced by the Chair. Also, if a

vote has been improperly recorded, it may be changed upon protest by the Member concerned.

2.12.8 Disorder in Committee and Admittance of the Public

Members of the public are permitted to attend the public sittings of a Committee. If a member of the public, having been admitted, acts in a disorderly manner the Chairman will normally ask such person(s) to desist from such conduct. If the disorderly conduct persists, the Chairman shall ask the Committee: "shall the stranger(s) be ordered to withdraw?" This question is not debatable, but a division may take place. If the stranger is asked to withdraw, the Clerk of the Committee shall ensure that the decision of the Committee is enforced and may call for the assistance of the Sergeant-at-arms.

Neither the Chairman nor the Committee has any authority to punish a member of the Committee or any other person for an offence against the Committee (e.g. unparliamentary words, contemptuous conduct, and refusal of a witness to testify). Disorder in Committees can only be censured by the House on receiving a report thereon from the Committee.

2.12.9 Executive Sessions

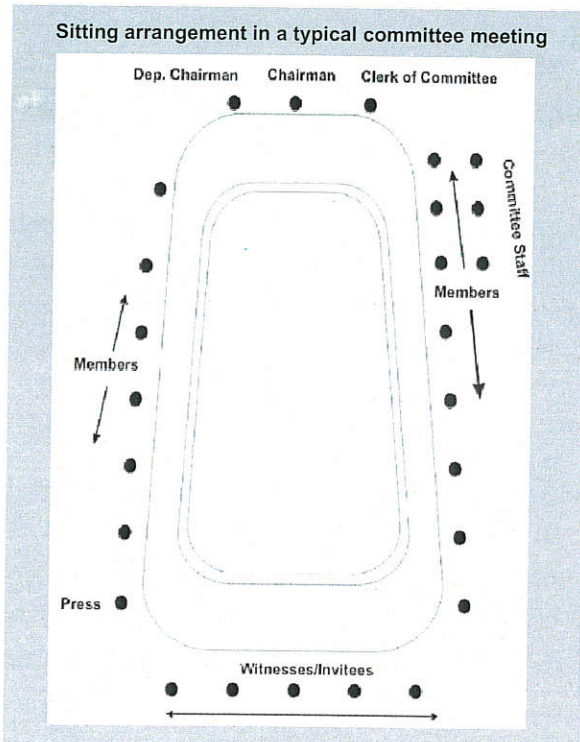
Executive sessions are meeting sessions with the exclusion of Committee Staff and other support staff except the Clerk of the Committee. However, executive sessions are alien to most parliaments (except in extraordinary situations such as

War).

2.12.10 Sitting Arrangement at Meetings

During Committee meetings and visits, the Clerk of the Committee must as a matter of protocol or procedure sit next to the Chairman or Vice/Deputy (where the Deputy/Vice is Presiding or the team leader).

This sitting arrangement enhances consultation and briefing between the Chairman, Deputy/Vice Chairman and Clerk of the Committee for effective co-ordination and proper guidance during Committee meetings.



2.12.11 Venue of Meetings

Just as the Senate/House in Plenary meets in respective chambers, so must Committee meetings be held in designated places or Committee Room within the precincts of the National Assembly. Any scheduled or proposed meeting outside the National Assembly must be by a Resolution of the Committee subject to the approval of the Senate/House leadership.

2.12.12 Refreshments at Meetings/Public Hearings

Depending on the nature and time of meetings, consideration must be given to the hallowed dignity of the legislative institution in making refreshments available. Heavy refreshments should be discouraged during Committee meetings while a Resolution of the Committee may be required in deciding what should be served during public hearings and interactive sessions with agencies and bodies outside the National Assembly. Where a heavy meal is approved, such meals and elaborate entertainments could be arranged after the meeting or in another room out of public glare.

2.12.13 Adjournment

Unless provisions have been made for a future meeting, adjournment in Committee is subject to the call of the Chairman. A Member shall thereafter move a Motion for Adjournment which shall be seconded.

2.12.14 Minutes of Meetings

The Committees meet to consider bills referred and discuss other issues related to public /investigative hearings, interactive sessions, oversight visits or any matter within their jurisdiction. In each meeting, minutes are taken by the Committee Clerk in accordance with the Standing Orders of the Senate or House of Representatives.

2.12.15 Proceedings of Committees

By the Rules of the Senate and the House of Representatives, Committee Meetings are regulated by the Standing Orders of the respective Houses. However, every Standing Committee is also authorised to draw up its own Rules of procedure provided that such rules are not at variance with the Standing Orders of the Senate and the House of Representatives.

2.12.16 Reports of Committees

A Committee Report can be defined as a document which deals primarily with the views and recommendations of a majority of its Members on a subject matter acted upon by them and agreed to in a meeting when quorum is formed. A Committee may attach minority Report of dissenting Members to the main Report.

2.12.17 Characteristics of a Report

- It is agreed upon by majority of Members at a Meeting duly constituted and quorum formed
- It contains views, recommendations or amendments approved in Committee;
- It is prepared by the Committee Clerk or Assistant in

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- the absence of the Clerk;
 - It is signed by the Chairman and the Committee Clerk.

2.12.18 Presentation of Report in Plenary

The Chairman, with the consent of Members of the Committee shall present Report of the Committee in a Plenary Session. In the absence of the Chairman, the Vice or Deputy Chairman as the case may be and in their absence, a Chairman *pro tempore* appointed by the Committee shall present the Report. Committee Clerks are required to be present in the Chamber when Reports of their Committees are scheduled for presentation and consideration.

2.12.19 Report of Activities

All Committees shall submit to the respective Clerks of Committees, Reports of activities undertaken by their Committees every legislative year.

Types of Reports

- Reports of Public and Investigative Hearings
- Quarterly Reports of Committees' activities
- Sessional Reports of Committees activities
- Reports of Oversight Visits
- Reports of Committee Tours
- Reports of Interactive Sessions

Premature Disclosure of Committee Report

It is unethical and improper for a Member or Staff of a Committee to disclose the content of a Committee Report before it is presented to the Plenary.

Publishing of Reports

Reports of Committees may be published in the National Assembly website.

2.12.20 Code of Conduct for Committees

Members and staff of Committees shall at all times conduct themselves in a courteous and respectful manner and provide the enabling environment for the smooth conduct of Meetings and Hearings. Intimidation of colleagues, staff or witnesses attending before the Committee should be avoided.

Closed Sessions: These are Meetings of Committees not open to the public. The Committee Clerk shall be present at such Meetings.

Attendance at Meetings: Members are expected to attend and participate fully at Committee Meetings. A Register shall be maintained to record attendance.

Accountability and Transparency

No decisions shall be taken by the Chair of a Committee without the input of the majority of the Members. This includes the hiring of researchers, consultants, disbursements of Committee funds, and other responsibilities. The Committee Clerk shall work in collaboration with a Consultant when engaged to ensure quality service delivery. In addition to the above, Committee Members shall follow the Code of Conduct for Members of the National Assembly.

Dress Code

Members and staff of the National Assembly shall wear (Native or English) dress on sitting days, while casual dress is appropriate for non-sitting days.

2.13 COMMITTEE SECRETARIAT

A Committee Secretariat is made up of the following officials: Committee Clerks, Research Officers, Legal Officers, Computer Programmers, and Budget Officers. Staff of the Committee Secretariat are career civil servants who offer support services to Committees. The head of the Committee Secretariat is referred to as the Committee Clerk.

2.14 DUTIES OF A COMMITTEE CLERK:

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

1. Maintain all Committee records;
2. Keep records of the activities of the Committee;
3. Advise the Committee Chair on the procedure during meetings of the Committee;
4. Follow up on actions on decisions/resolutions of the Committee;
5. prepare in consultation with the Chairman, Committee Budget;
6. Administer, monitor and account for Committee expenditure;
7. Ensure proper management and maintenance of office equipment and facilities;

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8. Ensure that Committee Meetings are convened with Members and invitees duly notified;
 9. Send out notices of meetings and other Committee activities;
 10. Prepare meeting rooms;
 11. Provide name tags for Committee Members to be displayed appropriately during meetings and public hearings;
 12. Prepare, copy, distribute and translate materials to Committee members;
 13. Coordinate the administrative work of experts, consultants and support staff;
 14. Assist Members in drafting Bills and Motions;
 15. Conduct research on measures/policies/bills assigned to the Committee;
 16. Handle general administration and control on the properties of the Committee;
 17. Liaise with government bodies, civil society organisations and the general public on behalf of the Committee;
 18. Prepare the Minutes of Committee Meetings;
 19. Arrange travel and logistics for Members in consultation with the Chairman and other relevant departments;
 20. Draft official correspondences in consultation with the Chairman and, where necessary, other Members;
 21. Arrange for the attendance of witnesses and the

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- payment of their expenses when authorised by the Committee;
 22. Administer oaths to witnesses testifying before the Committee;
 23. Manage the Committee Secretariat and allocate functions to support staff; .
 24. Prepare the quarterly/mid-session/sessional Committee Reports and ensure that they are submitted to the Office of the Clerk of Committees;
 25. Write procedural rulings for use by the Chairman;
 26. Draft agenda of meetings and other functions of the Committee in consultation with the Chairman
 27. Brief the Chairman and Members from time-to-time, on the status of Bills referred to the Committee;
 28. Arrange Committee Hearings in consultation with the Chairman and Members;
 29. Supervise other staff posted to the Committee;
 30. Cultivate and sustain mutually beneficial interactions with Legislative Aides of Committee Members in especially research related activities of the committee; and Perform all other legislative and administrative functions that may be assigned by the Committee.

CHAPTER THREE

3.0 CONSIDERATION OF BILLS

3.1 DEFINITION: A Bill is a draft legislative proposal to enact a new law, amend or repeal an existing law. The primary function of a legislature is lawmaking. In a bi-cameral Legislature, bills must be passed by the two Chambers in identical form and forwarded to the President for Assent. Bills are numbered sequentially as introduced and prefixed "SB" in the Senate and 'HB' in the House of Representatives.

3.2 SOURCES OF BILLS

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 organisations.

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

Bills from Organisations 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 Get to Committees

When a bill is introduced in the Senate or in the House of Representatives, and debated, it is read a second time. If the question is put and agreed to, it may be referred to an appropriate Standing Committee or to the Committee of Whole for further legislative action.

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 harmonise any identified difference.
- Agreed final clean copy sent to Mr. President for assent.
- Becomes an “Act of Parliament”/Law

3.3 NOTICE REGARDING BILLS

Government bills shall be published in the Official Gazette or House Journal. In the Senate, a Members' bill shall be published in two successive issues of the Official Gazette or the National Assembly Journal and three successive issues in the case of the House of Representatives. A copy of the first issue of such publication shall be sent to every Member.

Every bill must receive three readings before passage, namely;

First Reading, Second Reading and Third Reading.

3.4 COMMITTEE CONSIDERATION OF BILLS

When a bill is referred to a Committee, several courses of action are available to it as follows:

a. Analysis of Bills

Bills are analysed to identify their intendment, advantages and disadvantages. A Committee may engage the services of experts to assist in bill analysis.

b. Legislative Hearing

When a Bill is referred to a Committee of the Senate/House, and depending on its nature, the Committee may, in the public interest, conduct a Public or Investigative Hearing (See Hearings in Chapter Three).

c. Committee Amendments

Any Committee to which a bill is committed shall have the power to recommend amendments to the Bill. There is no

limit to the number of amendments a Committee can recommend to a bill, as long as they are germane to the original purpose of the bill.

d. Committee Reports

A Committee Report shall contain only what is agreed upon by majority of members of the Committee at its meetings, quorum duly established. The Report shall include all the amendments and recommendations approved by the Committee. A bill referred to the Committee must be reported to the House.

e. Preparation

It is the responsibility of the Clerk of the Committee to write Reports on the activities of the Committee.

f. Authentication

Committee Reports shall be authenticated by the signatures of the Chairman and Clerk of the Committee.

g. Improper Committee Reports

Committee Reports not adopted at a regular meeting of the Committee are deemed improper. The House may refuse to accept any Report on a Bill or measure if it is of the view that the Report was not properly acted upon. In that event, the House may order the Committee to re-present the Report.

h. Minority Report

House Standing Orders XIV, 3 (d) states: "No minority report shall be presented to or received by the House."

3.5 PROCEDURE FOR THE PASSAGE OF BILLS

First Reading: A Bill is deemed to have been read the first time when the Clerk reads its short title; except for Appropriation Bills which its presentation by the President at the Joint Session of the National Assembly is deemed as First Reading.

Second Reading: This is perhaps the most important stage of a bill. On the appointed day, when the Clerk reads the Order of the Day for the Second Reading of the bill, the member sponsoring the bill is invited to lead debate on the general principles of the Bill. The lead debate is followed by contributions from other Members for or against the Bill. When a Bill is read a second time it is deemed to have been approved in principle and referred to an appropriate Committee. However, if the question that the Bill be read a second time is negative, the legislative journey of the Bill is terminated.

Committee Stage: At this stage, the relevant Committee meets to discuss the proposed legislation. Stakeholders and citizens are encouraged to present their views on the Bill by mail or personal appearance. Legislative agents (Lobbyists), representing organised interest groups, are at work to oppose or support the Bill.

Report Stage: Upon conclusion of its work, the Committee Reports the Bill. Bills reported with amendments are reprinted and distributed to members of the House before they are considered in the Committee of the Whole.

Committee of the whole: At this stage Committee Reports on Bills are considered clause by clause and in the case of non-legislative measures only Committee recommendations are considered. Decisions reached in the Committee of the Whole are reported in plenary for approval.

Third Reading: At this stage, the Bill may be reviewed in its final form. Clean copies of the bill are circulated to Members for their perusal. If the Bill is not recommitted to the Committee of the Whole, the Clerk shall read its long title and the Bill is deemed to be read the third-time. It is thereafter, transmitted to the other Chamber for concurrence.

Meeting of Conference Committee: If the House amendments are not acceptable to the Senate, a Conference Committee of the Senate and of the House shall meet. The Members of the Senate Committee who originally considered the bill may represent the Senate in the Conference Committee, same for the House. The Conference Committee shall deliberate only on areas of disagreement between the Senate and the House. The sitting of the Conference Committee may be open or closed to the public depending on the subject matter under discussion and the majority view of its Members.

Presidential assent: When a Bill has been passed by the Senate and the House of Representative in identical form, a clean copy of the Bill signed by the Clerk to the National Assembly shall as soon as possible be forwarded to the

President of the Federal Republic of Nigeria for his assent.

Veto: While the President has the power to withhold assent on a bill in exercise of his veto power, Section 58 (4) and (5) of the 1999 Constitution provide as follows:

"where a bill is presented to the President for assent, he shall within thirty days thereof signify that he assents or that he withholds assent.

Where the President withholds his assent and the bill is again passed by each House by two-thirds majority, the bill shall become law and the assent of the President shall not be required."

CHAPTER FOUR

4.0 HEARINGS

4.1 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

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 lawmaking;
- enhance the working relationship between the Legislature and other arms of government, particularly Ministries, Departments and Agencies;
- enable Legislators to perform their oversight functions.

4.2 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 intendment 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 overturned by a court of law if proper procedures were not followed.

4.3 BUDGET

The costs associated with Hearings vary. They include logistics and administrative costs, such as travels,

accommodation, publicity, printing materials, consultancy services, refreshment, transportation and stationery.

Funds should be specifically set aside in the budget for Hearings. The Committee Clerk shall be guided by projections, estimates and actual expenditure of previous Hearings in order to formulate a realistic budget. The budget shall also take into account and specify the amount of financial assistance provided by donor agencies where available.

4.4 PRE-HEARING ACTIVITIES

When a Committee has resolved to conduct a Hearing, the time and venue shall be fixed, and a number of tasks shall be undertaken. Planning is key to a successful Hearing.

It is important that the Committee and staff are involved in the organisation and planning of each step. The Committee responsible for the planning and execution of a Hearing shall meet several times before the Hearing commences to ensure that all necessary steps and tasks are completed.

The following steps are necessary for the conduct of effective Hearing:

- Establishing an Agenda ;
- Research and discussion of the main issues of the Hearing by the Committee;
- Issuing invitations letters to key individuals and

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- stakeholders for testimony, presentation and general participation;
- Development and execution of a publicity plan; and
 - Post-Hearing Report and follow-up plan These tasks are fully discussed herein.

a. Setting the Agenda

The Agenda establishes the structure for discussion and helps to achieve results. Copies of the printed Agenda can be circulated to stakeholders and observers as they enter the venue, or placed on their seats. The audience at the Hearing should be made to know exactly what will happen at each moment of the Hearing. The following is an outline of suggested Agenda.

- Opening Remarks
- Purpose/Objective
- Topics for Discussion
- Hearing Roles
- Facilitating Discussions
- Summary
- Follow-up
- Closing

b. Notice and Memorandum

Some form of participation is required at Legislative Hearings. If the measure for Hearing identifies the type of Notice to be provided, such Notice shall be posted conspicuously in the Assembly premises, public spaces, and

duly advertised in the Media.

4.5 CONDUCTING LEGISLATIVE HEARINGS

Legislative Hearings may take the form of interaction, interview, witnessing, question and answer or submission of questionnaires. For Investigative Hearings, witnesses are often put on oath while the press is also involved in this stage of the hearing. Legislative Hearings require considerable amount of planning and preparation. Although, the responsibility is that of the relevant Committee, it is helpful to designate a logistics team drawn from within the support staff coordinated by the Committee Clerk. A logistics team shall consist of the following persons:

- Chairperson/Moderator
- Secretary
- Media Liaison
- Rapporteur
- Assistants
- Security Personnel

Role

(a) Chairman Ensures that:

- Public Hearings unfold according to plan;
- time limits are respected;
- disorderliness is dealt with effectively and efficiently;
- the process runs smoothly according to laid down rules;

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- the opinions and recommendations received at the Hearings are reported to the Senate/House.

(b) Committee Clerk Shall:

- sit next to the Chairman during Hearings and deal with issues that arise in the course of the Hearings;
- guide on the conduct of the Hearings;
- coordinate logistics;
- keep proper records of proceedings and ensure easy retrieval of same;
- take care of details of preparations of the venue for Hearings, such as booking of venue, security, accommodation, equipment, facilities;
- draw the list of witnesses and order of appearance or testimony.

(c) The Committee Clerk and Testifiers

In order to give good testimonies, the Committee Clerk is expected to brief the testifiers before the hearing on the following:

- When and where the Bill will be heard. Punctuality to a public hearing by a testifier is very important.
- Though it is not always necessary, the Committee Clerk should encourage the testifier to write his/her testimony and make available copies.
- A testifier can obtain the list of other testifiers from the Committee Clerk, contact them, and hear their views

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- on the Bill/issue before preparing his/her own submission to avoid duplication and waste of time.
- A testifier must know the audience he/she is appearing before and the issue/Bill for which the hearing is being conducted.
 - A testifier should also be acquainted with the committee process and must sign the witness register before his/her appearance before the Committee.
 - A testifier should be advised to wait for his/her turn.
 - A testifier should be brief, not repeat what others have said, be conversational and not too technical, avoid using acronyms and explain necessary technical phrases.
 - A testifier should not be nervous or worried and should view legislators as friends eager to hear their views.
 - A testifier should expect some questions and comments and be prepared to respond appropriately.
 - Testifies should avoid clapping, cheering, booing or other demonstrations.

4.6 MEDIA LIAISON

The role of the Media should never be underestimated. It is crucial to the overall success of Public and Investigative Hearings and thus must be effectively utilised by each Committee.

The Media Liaison person is responsible for:

- all public relations activities to ensure the public and media are properly informed about the Hearings well in advance;
- ensuring that the Media is correctly informed about the outcome of the report of such Hearings.

4.7 RAPPORTEUR

The Rapporteur shall:

- take notes during Legislative Hearings, even when recording equipment is available and in use;
- provide data analysis on the number of attendees, experts, Committee Members present, absent, stakeholders and observers;
- provide detailed recommendations and observations made by the Committee, experts and stakeholders during the proceedings.

4.8 ASSISTANT(S)

On the day of the Hearing, the Assistant (s) shall register Members, and ensure that nameplates exist for all experts as well as Committee Members. Assistant(s) shall also carry out other duties assigned by the Clerk.

4.9 SETTING RULES AND STANDARDS

The rules of procedure of both Houses provide guidelines on the Conduct of Hearings.

- At least, two notifications of Hearings shall be made in the print and electronic media; the first thirty days before the date of the Public Hearing, and the second a week before the Hearing. Standard information in a notification shall include:
 - Date
 - Venue
 - Time
 - Subject matter
 - Purpose
 - Point of contact for inquiries
 - Notification sent to affected stakeholders,
 - Press Releases

4.10 CONDUCT OF INVESTIGATIVE HEARINGS

The following procedure is drawn from the Standing Orders of the Senate and the House of Representatives:

The Chairman at an Investigative Hearing shall announce in the opening statement the subject of the investigation. Witnesses at Investigative Hearings may be accompanied by their own Counsel for the purpose of guiding them

concerning their constitutional rights.

The Chairman may punish breaches of order and decorum, and of professional ethics on the part of Counsel, by censure and exclusion from the Hearing and the Committee may cite the offender to the House for contempt.

Whenever it is determined by a majority of members present that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person or persons; such testimony or evidence shall be presented in executive session.

The Committee shall proceed to receive such testimony in open session only if a majority of the members of the Committee present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case, the Committee shall afford such person an opportunity to voluntarily appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Committee shall receive and dispose of requests to subpoena additional witnesses. No evidence or testimony taken in Executive Session may be released or used in Open Session without the consent of the Committee.

At the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

A witness may obtain a transcript copy of testimony given in an open session or, if given in an Executive Session, when authorised by the Committee.

a. Roster of appearance: Any person appearing before a Public Hearing on a Measure/Bill shall give the Committee Clerk his/her name, organisation or group he/she represents and state whether he/she wishes to speak for or against the Measure/Bill.

Sponsors presentation: The Chairman shall invite the Sponsor(s) of the Bill(s) to explain the intendment of the Bill. Thereafter, other proponents of the Bill may be allowed to supplement their explanations.

b. Appearance of Stakeholders: Following the explanation by the Sponsors, each person who has given his/her name to the Committee Clerk is called upon in alternate order for and against the Bill.

The Committee may place a time limit on the presentation of each Stakeholder. If a large delegation is present, all essentially testifying in the same vein, the Chairman, in the interest of time, may request the group to designate one or two spokespersons, and may announce that the Committee takes notice of the size of delegation.

c. Questions by the Committee: After the Sponsor and Stakeholders have made their presentations, the Chair gives Committee Members the opportunity to ask questions.

4.11 Post Legislative Hearings

The conclusion of the actual Hearing is not the end of the process. In fact, it is the follow-up action that may determine what happens to public input offered during the Hearing and whether it will influence the form and content of the proposed Legislation or Report or not.

Thus, while momentum and interest may diminish after a Hearing, it is essential to put in place post Hearing monitoring mechanisms. The Committee staff shall:

- issue letters of appreciation to stakeholders;
- produce a brief summary of the Hearing and distribute to the Media;
- produce a detailed Report after complete review of Hearing
- ensure presentations, transcripts, and other documents;
- address all logistics;
- review recorded transcripts of Hearing;
- review questions or comments at the Hearing;
- highlight suggested amendments to any proposed legislation;
- draft summaries, presentations/testimonies;

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- update Committee website to include a summary of each Hearing, proposed action plan, conclusions, list of speakers and presentations, goals achieved; and post-Hearing Committee Report;
 - encourage the public to submit further suggestions, recommendations, or comments on the conduct of Hearings and status of the legislative proposal;
 - check e-mail often, and record any additional public comments, suggestions, or complaints.

a. The Chairman shall:

- convene a meeting to review proceedings at the Hearings; cause the Clerk to produce draft Reports on the Hearings
- incorporating input and recommendations;
- convene Committee meeting to consider and approve Reports;
- cause the Committee Clerk to file Reports with the Committee on Rules and Business for presentation to the Senate/House by the Chairman in Plenary;
- cause the Committee Secretariat to facilitate public access to Reports after presentation to the Senate/House.

CHAPTER FIVE

5.1 LEGISLATIVE OVERSIGHT

In recognising the need for checks and balances in governance, the Constitution of the Federal Republic of Nigeria 1999 (As Amended) confers on the National Assembly the power to investigate activities of the Executive arm of government in cases of alleged default or breach. This is in accordance with sections 88 and 89 of the Constitution. Similarly, the Standing Orders of the Senate and the House of Representatives confer on Standing Committees of the two Chambers, the power to perform oversight function on the activities of Ministries, Departments and Agencies of the Executive Arm of Government. The National Assembly, therefore, exercises its power of oversight through public and investigative Hearings on the implementation of government policies and Acts enacted by it.

5.2 PURPOSE

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

- To detect and prevent abuse, arbitrary behavior, 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 authorised 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.

5.3 POWERS TO UNDERTAKE OVERSIGHT:

Powers to undertake oversight are usually provided in the Constitution and other legal instruments.

In this regard the, 1999 Nigerian Constitution provides for legislative power of scrutiny and investigation over the executive, in addition to other “implied impressive array of enumerated powers”. For instance, the National Assembly is constitutionally authorised to appropriate funds; approve

deployment of armies; approve declaration of war; consent to treaties; approve presidential nominees (senate); impeach the president and Vice- President. Reinforcing all these powers is the broad powers granted to the National Assembly to “make laws for the peace, order and good governance of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative list”.

a. CONSTITUTIONAL PROVISIONS

i. Power to Investigate – as stated in Section 88 (1) of the Constitution, the National Assembly is empowered 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 responsible for

(I) executing or administering laws enacted by the National Assembly, and

(ii) disbursing or administering monies

appropriated or to be appropriated by the National Assembly.

These powers of investigation as stated in Section 88 (2) are exercisable only to enable the National Assembly to:

- make laws with respect to any matter within its legislative competence and correcting any defects in existing laws, and
- expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement of funds appropriated by it.

ii. **Power to Procure Evidence** – as stated in Section 89

(1) The National Assembly is empowered for the purpose of any investigation under Section 88 of the Constitution to;

- (a) procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter;
- (b) require such evidence to be given an oath;
- (c) summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his

possession or under his control, subject to all just exceptions; and

- (d) issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey summons, and also to impose such fine as may be prescribed for any such failure, refusal, neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by court of law.

A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorised in that behalf by the President of Senate or the Speaker of the House of Representatives, as the case may require.

iii. Power to Receive the Audited Accounts of Government - Section 85 (2) provides that “the public accounts of the Federation and all offices and courts of the Federation shall be audited and reported on by the Auditor-General who shall submit his reports to the National Assembly; and for that purpose, the Auditor-General or any

person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts”.

iv. Power to Appropriate Funds – Section 80 to 83 of the Constitution provides the powers and control of the National Assembly over public fund. Section 80 (4) does specifically provide that “no money shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly”.

v. Power of Removal and Confirmation – Section 143 provides for the power of the National Assembly to remove the President or Vice-President from office for gross misconduct, which is defined as great violation or breach of the provisions of the Constitution. This provides the National Assembly with the ultimate oversight power. Other sections of the Constitution provide the National Assembly (Senate) with powers to confirm the appointments of certain officers appointed by the executive and also to remove some of these officers as the need may arise. This also provides the National Assembly with oversight powers on these agents of government. However, the Constitution does not confer on the National Assembly the powers to remove Ministers, who are the main agents of government in charge of its major organs.

vi. Power to Make All Laws – the Constitution (Section 4 (2)) vests power in the National Assembly 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 Executive Legislative List set out in Part 1 of the Second Schedule”.

b. HOUSE AND SENATE RULES

The Rules of the House of Representatives and Senate provide for oversight of the executive, particularly through the activities of the Committees. The relevant Rules in the National Assembly are:

Senate Rules;

- i. Senate Rules grants the Committees on Appropriations and Finance power to consider Appropriation Bills, along with other Committees and sub-committees with respect to ministries, department and agencies under their charge. The Committee can also determine the general fiscal and monetary policy of government (Rule 92, clause 4 (a)).
- ii. Senate Rules requires that Ministries' Statutory Annual Reports and other Statutory Reports required by law must be submitted within three months from the closing date for the submission of the Report unless reasons for the delay are given. The Reports must also be submitted before the Committee on Appropriations and Finance and or any other

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- Committee empowered to consider a ministry's estimates (Rule 93, clauses (a) and (b)).
- iii. Senate Rules grants the Public Accounts Committee power to examine the accounts showing the sums granted by the Senate to meet public expenditure; together with the Auditor's report thereon and for this purpose can send for any person, papers, and records, to report from time to time to the Senate and to sit notwithstanding the adjournment of the Senate (Rule 97, clause 5 (b)).
 - iv. Each Committee of the Senate is authorised at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities. Committees are empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary to assist their functions (Rule 102, clause 1 (b) and (i)).
 - v. Each committee is expected to submit to Senate annual report of its activities (Rule 92, clause 4(a)).

House Rules;

- i. House Rules grants the Committee on Appropriation power to consider Appropriation Bills, along with other committees as sub – committees with respect to Ministries, Department and Agencies under their charge. The Committee can also determine the general fiscal and monetary policy of government

(Order XII Rule 16, clause 4(a)).

- ii. House Rules requires that Ministries' Statutory Annual Reports and other statutory reports required by law must be submitted within three months from the closing date for the submission of the Report unless reasons for the delay are given. The Reports must also be submitted before the Committee on Appropriations and Finance and other committees that consider ministry's estimates (Order XIII, Rule 1, Clauses (a) and (b)).
- iii. House Rules grants the Public Accounts Committee power to examine the accounts showing the sums granted by the House to meet public expenditure; together with the Auditor's Report thereon and for this purpose can send for any person, papers, and records, to report from time to time to the House and to sit notwithstanding the adjournment of the House (Order XIV, Rule A1E, clause 1 and 2).
- iv. Each Committee of the House is authorised at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities. Committees are empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary to assist their functions (Order XIV, Rule B5, clause 8(1), (a) (i) and (I)).

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- v. Each Committee is expected to submit to the House, Annual Report of its activities (Order XIV Rule B5, clause 8(1)(d)).

Apparently, the authority to monitor, investigate or scrutinise derives from these constitutional powers and chamber rules which are in tandem with most legislatures that are known to exercise effective oversight. The National Assembly can only carry them out reasonably and responsibly by knowing what the executive is doing; how programmes are being administered, by whom, and at what cost; and whether officials are obeying the law and complying with legislative intent.

5.4 OVERSIGHT TOOLS

To undertake these enumerated oversight functions, parliaments use various mechanisms or tools. Some of these are stipulated in the text of a country's constitution, but more commonly they are part of the rules that govern parliamentary procedures (such sets of rules are often called Standing Orders. We refer to them here as “Rules of Procedure”). These tools are essentially used by the legislature to obtain the information it requires concerning any matter over which it is conducting oversight. The tools are used either singly or in combination in dealing with a particular issue. The commonly used tools are;

- i. **Committee (Public) Hearing** – this has been earlier discussed at page 25 of this manual.
- ii. **Hearing in Plenary Session** - this usually takes the form of inviting or summoning agents of the executive to appear before the plenary session of either House of the Legislature or Joint Houses for the discussion of thorny national issues that are eventually backed by a resolution.
- iii. **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.
- iv. **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 authorised by him/her in that behalf shall have access to all the books, records, returns and other documents relating to those accounts”.

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- v. **Public Accounts Committee-** this is usually a special committee of both houses of the legislature whose responsibility includes but not limited to:
- i examining the accounts showing the appropriation of the sums granted by the Legislature to meet Public expenditure, together with the auditor's reports thereon
 - ii examining any accounts or reports of statutory corporations and Boards etc.
 - iii. 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.
 - iv. 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 firsthand the operations of government and its programmes.
 - v. 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.

For the purpose of this operations manual, we have isolated three of these tools for further discussion due largely to the fact that they are frequently utilised in oversight activities by the National Assembly. These tools include public hearing, investigative hearing and oversight site visits.

5.5 OVERSIGHT VISIT

Assessment visits to agency programmes and projects may be necessary to monitor their performance. However, before undertaking an oversight visit, its purpose must be clear. Oversight visits should not be undertaken just for the sake of it. It must be undertaken only in aid of legislative function. Its purpose must be to review general programmes, specific ones and level of projects in the executive agency.

In undertaking oversight visits to agencies, Committees may need to do the following:

- Conduct desk review of the agency
- Prepare site visit agenda package;
- Agency profile
- State of affairs from last visit

Documents needed from agency during visit

Questions/ templates for review

On site, receive Agency inputs such as:

- Copies of supportive documents
- Written answers to questions.

In preparing and reviewing draft report the following should

be highlighted:

- (a) Major findings
- (b) Lessons learned
- (c) Recommendations

Finally, experience has shown that it is useful to utilise the media for oversight purposes. There are two major reasons for this. First, is the need to place such oversight activity in the public domain which perhaps may generate commensurate support and interest. Second, is the necessity of keeping the public informed of observed procedures in undertaking the assignment. Above all, it needs noting that whichever tool is applied in the performance of oversight, the power of oversight is not unlimited. It must be undertaken with the best of legislative intent.

5.6 ROLE OF COMMITTEE CLERKS IN RESPECT OF OVERSIGHT

It is pertinent at this juncture to mention one or two roles specific to Committee Clerks in respect of Committee Oversight. These roles include but are not limited to:

- Monitoring progress of program/project as it relates to performance, costs and time schedule relative to program/project plan
- Providing Committee members with continuous feedback on implementation of projects provided for.

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- in the Appropriation Act.
 - Identifying the actual or potential success and problems; the sources and impact of these on projects, early enough to enable timely adjustment to project operation, and
 - Suggesting solutions and actions to be taken to enhance project completion and success.

5.7 SCOPE OF OVERSIGHT

The tradition of cooperation between the Executive and the National Assembly through its Committees, may well have its roots in the latter's "power of the purse" since it appropriates funds for the execution of government programmes and policies and it is obliged to ensure that funds so appropriated are utilised as prescribed by law.

5.8 CONFLICT IN THE EXERCISE OF OVERSIGHT

Tensions arising from exercise of oversight functions may occur between the National Assembly and the Executive over issues in which the former has constitutional and statutory responsibility. The National Assembly, relying on the principle of checks and balances in governance and in exercise of its power of oversight, may make laws, initiate or amend existing laws or policies in the public interest. Such legislative actions are potential sources of conflict between the National Assembly and the Executive arm of government.

a. Oversight and Budgetary Conflict

The passage of an Appropriation Bill into law and the faithful implementation of its provisions is critical to the growth and development of the national economy. Section 81 (1) of the 1999 Constitution provides that:

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 revenue and expenditure of the Federation for the next following financial year.

b. Sources of Conflict between the National Assembly and the Executive:

- Delay in presentation of Appropriation Bill to the National Assembly for timely consideration and passage;
- Delay in consideration and passage of Appropriation Bill by the National Assembly;
- Power of the National Assembly to increase or decrease total sum of proposed Annual Budget by the Executive;
- Inadequate consultations between the National Assembly and the Executive at preparatory stages of Annual Budget;
- Non-release of information on revenue profile of government;

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- Non-release or late release of funds by the Executive to implementing Ministries and Agencies for projects approved in the Appropriation Act;
 - Refusal to honour invitation to appear before any Committee of the National Assembly and to give evidence;
 - Refusal to appear before any Committee of the National Assembly and to produce any paper, book, record or other documents in the possession or control of such persons in line with section 4 of the Legislative Houses (Powers and Privileges Act) LFN 2004;
 - Refusal to comply with Resolutions of the Senate/House.

Solutions to National Assembly/Executive Conflict

- Statutory compliance with the provisions of Standing Orders 93 (Senate) and XVI (House) on presentation of Annual Reports and Other Sessional Papers;
- Effective liaison between the Executive and the National Assembly throughout the stages of budget development. (That is, conception, budget hearings, implementation, monitoring and evaluation);

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- Early presentation of Appropriation Bill by the Executive to give ample time (at least two to three months) for legislative consideration of the proposals;
 - Legislative amendment of budget only where necessary, and in the national interest, devoid of political considerations or assertion of legislative authority;
 - Engagement of professionals with financial and technical knowledge of budgetary matters;
 - Regular interactive sessions between Committees of the National Assembly and Ministries, Departments and Agencies of the Executive;
 - Respect for decisions of the National Assembly on issues of public policy and governance.

It is advisable that in the exercise of their oversight responsibilities, Committees are guided by the provisions of the Legislative Houses (Powers and Privileges) Act, LFN 2004.

5.9 EVALUATION OF OVERSIGHT FUNCTIONS

The power of the National Assembly to exercise oversight of Executive activities especially with respect to implementation of Acts of the National Assembly, policies and programmes approved in the national budget, requires effective monitoring and evaluation.

Monitoring

Monitoring is the periodic assessment of programme and project implementation in relation to agreed schedules, input and opinions of beneficiaries of such programmes / projects to aid evaluation of overall policy objectives and decision making.

Role of Committee and Staff

- Monitoring progress of programme/project as it relates to performance, costs and time schedule relative to programme /project plan;
- Providing beneficiaries and other stakeholders with continuous feedback on implementation;
- Identifying actual or potential success and problems, their source(s) and impact on the programme/project, as early as possible in order to facilitate timely adjustment to project operation; and,
- Suggesting solutions or actions to be taken to put the project on course; as well as decisions aimed at institutional development.

Evaluation of Projects

Evaluation is a time-bound exercise that attempts to assess systematically and objectively the relevance, performance and success, or the lack thereof, of ongoing, completed and

abandoned projects/programmes.

d. Benefits of Monitoring and Evaluation

- Undertaken to answer specific questions to guide decision makers and/or programme managers, and to provide information on whether underlying theories and assumptions used in programme development were valid, what worked and what did not work and why;
- Aimed at determining the relevance, validity of design, efficiency, effectiveness, impact and sustainability of a programme;
- Directly utilising the results of the higher-level strategic choices to assess a programme or project, its funding levels and impact on the people;
- Ensuring that national resources are expended transparently and judiciously in the public interest.

5.10 FOLLOW-UP ACTIONS

- Identify actionable actions on relevant findings.
- Meet with executive leadership on necessary remedial policy actions.
- Ensure compliance with and implementation

of recommendations.

- Make corrective budgetary provisions where absolutely necessary.
- Draft bills, resolutions and/or motions necessary to address identified challenges.
- Ensure regular monitoring of project/program implementation.
- Prepare reports on follow-up actions.