



The National Assembly

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Nigeria operates a 'presidential system' of democracy as against the 'parliamentary system'. It started out with a parliamentary system of government at independence in 1960, but switched to a presidential system in 1979. This was done primarily to achieve a more enhanced separation of powers and checks and balances, among the three branches of government.

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) chambers having equal legislative powers in terms of law making.

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 the National Assembly must get a concurrent approval from both chambers before the President could sign them into law.

COMPOSITION 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

Constitutional Powers of the Legislature

The powers of the legislature in Nigeria are vested by the Constitution which provides and delineates its powers vis-à-vis the other arms of government. The legislative powers of the National Assembly can be classified into three: (i) Expressed powers by the Constitution (totalling over one Hundred and Eleven (111)); and additional 68 Powers to legislate on items on the Exclusive Legislative List comprised Part I of Second Schedule and 30 powers to items on the concurrent legislative list comprised in Part II of the Second Schedule. There are additional 9 powers in the Third, Fourth and Fifth Schedules; (ii) Implied powers arising from extensions of the provisions of the Constitution; and (iii) Assumed powers as a result of lacunae in the constitutional provisions. Some of these powers are listed below:

Exclusive and Concurrent Legislative Powers

- Power to make laws for the peace, order and good government of the Federation or the State (Section 4(2) and Section 4(7))
- Powers to make laws on any matter on the legislative lists in the second schedule as apportioned between the National Assembly and State' Houses of Assembly (Section 4 (3) (4) & (7).

- Powers in relation to finance & public expenditure (Section 80-83 & 120-123)
- Power to create new states and adjust state boundaries (Section 8)
- Power to alter the provisions of the Constitution (Section 9).
- Power to make laws for the federation or the states with respect to the maintenance and securing of public safety and public order and providing, maintaining and securing of essential supplies and services. (Section 11)
- Power of the National Assembly to enact treaties into law before they can have the force of law. (Section 12)
- Power to Regulate its own procedure (Section 60 & 101)
- Power to appoint committees and delegate powers to them for general purposes (Section 62(1) & 103(1)). Note however that the power to pass a bill cannot be delegated
- Power of legislature to approve the alteration of senatorial districts or Federal/State constituencies by INEC. (Section 74 & 122)
- Power to initiate investigation into any matter on which the National Assembly can make law. (Section 88 & 128(1)).

Powers of the Legislature in Relation to the Executive

- Oversight powers over activities of the executive, its ministries agencies and other functionaries (Section 88).
- Confirmation of Appointments such as Ministers, Ambassadors (Sections 1 47 (2) and 1 71 (4))
- Powers to confirm the appointment and removal of Chairmen and Members of Executive Bodies Confirmation the appointments (Section 154(1)).
- Power to issue a Proclamation of a state of emergency (SECTION 305)
- Power to remove the President, Vice President, Governor and Deputy Governor from office. (Section 143 & 188).
- Power of the National Assembly to make

provisions for organization and administration of the Nigerian Police Force. (Section 214).

- Power of the National Assembly to make provisions for equipment and maintenance of the armed forces of the federation. (Section 217).

Powers of the Legislature in Relation to the Judiciary

- Power to establish courts other than those constitutionally established. (Section 6(5))
- Power to make laws to confer additional jurisdictions and powers on the Supreme Court, additional appellate jurisdiction on the Court of Appeal and additional jurisdictions on the other constitutionally established courts. (Chapter 7)
- Power to prescribe the number of justices of the Supreme Court, Court of Appeal, Federal High Court, High Courts of the States and the FCT, Sharia Court of Appeal of the FCT and states, Customary court of Appeal of the FCT and states and other courts established by it. (Chapter 7)
- Power to approve the appointments of judicial officers of the various courts. (Chapter 7) and Power to approve the removal from office of erring judicial officers. (Section 292).

Senate and House Rules

Section 60 of the 1999 Constitution provides that the: “the Senate or the House of Representatives shall have power to regulate its own procedure, including the procedure for summoning and recess of the House.” Thus, the Senate and the House are governed by a set of standing rules (called Standing Orders) which describe the manner in which both Chambers should proceed under various circumstances.

THE SENATE

The Senate is the upper chamber of the National Assembly. There are 109 Senators in the Senate. The Senate is chaired by the President of the Senate.

Powers of the Senate

The Constitution confers several powers on the Senate

which do not require the concurrence of the House of Representative to be effective. These include:

- The power to approve a declaration of war by the President or the deployment of members of the Armed forces outside the country. (Section 5).
- The power to approve ministerial appointments for the President. (Section 147).
- Power to confirm appointments of chairmen and members of established executive bodies. (Section 154).
- Power to sanction the appointment and removal of the Auditor General of the Federation. (Section 86).
- Power to approve the appointment of judicial officers for the Supreme Court, President of the Court of Appeal, Chief Judge of the Federal High Court, Chief Judge of the High Court of FCT, President of the Customary Court of Appeal of FCT and Grand Khadi of the Sharia Court of Appeal of the FCT. (Chapter 7).
- Power to approve the removal from office of the Chief Justice of the Federation, President of the Court of Appeal, Chief Judge of the Federal High Court, Chief Judge of the High Court of FCT, President of the Customary Court of Appeal of FCT and Grand Khadi of the Sharia Court of Appeal of the FCT. (Section 292(1) (a)).

THE HOUSE OF REPRESENTATIVES

The House of Representatives is the lower chamber of the National Assembly and is led by the Speaker. There are 360 Members in the House of Representation. The House is chaired by the Speaker of the House of Representatives. Unlike the House Senate which has specific powers to it, the House of Representatives has general powers which include powers to approve the budget and process legislations.

Constitutional Roles of the House of Representatives

The Constitution has vested in the House of Representatives the power to make laws for the peace, order and good governance of the Federation.

The House of Representatives also has broad oversight functions and is therefore empowered to establish committees of its members to scrutinize bills and the conduct of government institutions and officials.

The House of Representatives is also empowered by the Constitution to legislate on Exclusive, Concurrent and Residual lists.

Functions of the Presiding Officers

- ❑ Chairing the plenary sessions of the Chamber and the committees of the whole Senate or the House
- ❑ Ruling on Points of Order.
- ❑ Final interpretation of the Chambers rules.
- ❑ Appointment of Chairs and members of the committees in consultation with the committee of selection, which the Senate President/Speaker chair.
- ❑ The Senate President is the Chairman of joint sessions of the two Chambers. The constitution of Nigeria makes him number 3 on the National Order of Precedence.
- ❑ The constitution of Nigeria makes the Speaker number 4 on the National Order of Precedence.

PRESIDING AND PRINCIPAL OFFICERS OF THE NATIONAL ASSEMBLY

Senate	House of Representatives
Presiding Officers of the Senate and House	
President of the Senate	Speaker, House of Representatives
Deputy Senate President	Deputy Speaker
Other Principal Officers of Senate and House	
Senate Leader	House Leader
Senate Minority Leader	Majority Whip
Deputy Senate Leader	Deputy House Leader
Deputy Minority Leader	Deputy Chief Whip
Senate Majority Whip	Minority Leader
Senate Minority Whip	Minority Whip
Deputy Majority Whip	Deputy Minority Leader
Deputy Minority Whip	Deputy Minority Whip

Functions of the Principal Officers

- ❑ The Senate/House Leader leads debates on all Government bills and measures

- The Deputy Senate President/Deputy Speaker act with full powers in the absence of the President/Speaker
- The Minority Leader seconds all formal motions by Senate/House Leader
- The Deputy Leader acts in the absence of the Leader
- The Deputy Minority Leader acts in the absence of the Minority Leader
- The Majority Whip organizes his Party for major debates and ensures discipline in the Chamber
- The Minority Whip organizes his Parties for major debates and ensures discipline among his members.

Committees of the Senate and House

In the 8th Assembly, the Senate of the Federal Republic of Nigeria from has a total of 65 committees. The number of members in each committee ranges from 9 – 13. While the House of Representatives has a total of 96 committees. The number of members in each committee ranges from 20 – 35.

Functions of Committees

- Conduct oversight on executive agencies under their jurisdiction;
- Scrutinize measures and bills assigned to them by their parent bodies in detailed manner;
- Conduct hearings on bills and other matters assigned, thereby serving as arenas for citizens participation in the legislative process;
- Adjudicates and resolves disputes amongst government agencies and citizens or interest groups;
- Promoting specialization, professionalism and division of labour in that each standing committee presides over a specialized subject matter;
- To consider annual budget estimates of the executive agencies under their legislative jurisdiction;
- Conduct research for legislative action;
- Screen and recommend executive nominees for appointment; and
- Dealing with resolutions of the House and

- making recommendations.
- Training and Capacity development for Members and Staff

Privileges and Immunities of the Legislature

Legislative privilege in Nigeria has a broad scope extending to the bundle of rights and immunities enjoyed by members of the legislature as a result of their membership of a legislative house.

Section 3 of the Legislative Houses (Powers and Privileges) Act provides that-

“No civil or criminal proceedings may be instituted against any member of a legislative House- In respect of words spoken before that House or a Committee thereof;

or

In respect of words written in a report to that House or to any committee thereof or in any petition, bill, resolution, motion or question brought or introduced by him therein.”

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We can:

- Answer your questions on how the National Assembly works
- Provide detailed publications on National Assembly's work and history and give you help following debates and legislation in the National Assembly

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