



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

