

NATIONAL ASSEMBLY SERVICE COMMISSION ACT

ARRANGEMENT OF SECTIONS

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An Act to repeal the National Assembly Service Commission Act and provide for the establishment of a new Commission; and for matters connected therewith.

[2000 No. 7.]

[30th October, 2000]

[Commencement.]

Establishment of the National Assembly Service Commission

1. Repeal of Cap. 236 L.F.N. 1990

The National Assembly Service Commission Act is hereby repealed.

1. Establishment of National Assembly Service Commission

(1) There is established a body to be known as the National Assembly Service Commission (in this Act referred to as "the Commission").

(2) The Commission shall be a body corporate with perpetual succession and shall have power to sue and be sued.

1. Membership of the Commission

(1) The Commission shall comprise a chairman and twelve other members.

(2) The chairman shall be the chief executive of the Commission.

(3) The President of the Senate shall, upon consultation with the Speaker of the House of Representatives, submit to the President a proposed list out of which the President shall nominate for appointment a chairman and members of the Commission.

(4) The President shall appoint the chairman and members of the Commission from the list submitted to him in accordance with the provision of subsection (3) of this section subject to the confirmation of such appointment by the Senate.

(5) At least two members of the Commission shall be drawn from each of the six geo-political zones of Nigeria.

(6) A member of the Commission shall hold office for a period of five years from the date of his appointment and he may be re-appointed for another one term only.

(7) The provisions of the First Schedule to this Act shall have effect with respect to the proceedings of the Commission or any of its committees and other matters.

[First Schedule.]

(8) Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor in accordance with the provisions of subsection (4) of

section 3 to hold office for the remainder of the term of office of his predecessor and such a successor shall represent the same geo-political interest.

(9) The composition of the Commission, the staff and the conduct of its affairs shall reflect the federal character of Nigeria as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

1. Qualification for membership

(1) No person shall be qualified for appointment as a member of the Commission, if-

(a) he is not qualified or if he is disqualified for election as a member of the House of Representatives;

(b) within the preceding ten years, he has been removed as a member of any of the bodies established by section 153 of the Constitution of the Federal Republic of Nigeria 1999, or as the holder of any other office on the ground of misconduct.

[Cap. C23.]

(2) Any person employed in the public service of the Federation or of a State shall not be disqualified for appointment as a chairman or member of the Commission.

(3) Where such person has been duly appointed on a full-time basis, he shall, on his appointment, be deemed to have resigned or retired from his former office as from the date of his appointment.

5. Removal from office

(1) The chairman or any member of the Commission shall be removed from that office by the President acting upon an address supported by two-thirds majority of each House of the National Assembly praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) Notwithstanding the provisions of subsection (1) of this section, the chairman or any member of the Commission shall be removed from office by the National Assembly upon a resolution by two-thirds majority of the members of each House of the National Assembly praying that he be so removed for inability to discharge the functions of the office or for misconduct.

(3) A member of the Commission shall cease to be a member if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such a member.

(4) Upon the coming into force of this Act, or upon the expiration of the life of the Commission at any time or upon a vacancy occurring in the membership of the Commission, the President shall send the appropriate nominations to the National Assembly within thirty days of being requested so to do.

1. Appointment of secretary to the Commission

(1) There shall be a secretary to the Commission who shall be appointed by the Commission and shall-

- (a) be a senior officer not below the rank of a Director in the civil service of the Federation;
- (b) be the accounting officer of the Commission; and
- (c) hold office on such terms and conditions as to emoluments and other conditions of service as may be approved by the National Assembly.

(2) The secretary shall, subject to the general direction of the Commission, be responsible-

- (a) for the day-to-day administration of the Commission; and
- (b) for keeping the books and proper records of proceedings of the Commission.

7. Functions of the Commission

(1) The Commission shall-

- (a) formulate and implement guidelines for its functions;
- (b) appoint persons to hold or act in the office of-
 - (i) the Clerk to the National Assembly;
 - (ii) the Deputy Clerk to the National Assembly;
 - (iii) the Clerk of the Senate;
 - (iv) the Clerk of the House of Representatives;
 - (v) the Deputy Clerk of the Senate;
 - (vi) the Deputy Clerk of the House of Representatives; and
 - (vii) all other offices in the service of the National Assembly.

(2) The Commission may-

- (a) make appointments on promotion and transfer and confirm such appointments; and
- (b) dismiss and exercise disciplinary control over persons holding or acting in such offices.

(3) Where the Commission thinks it expedient that any vacancy in the staff of the National Assembly should be filled by a person holding office in the civil service of the Federation or of a State, it shall notify the appropriate Civil Service Commission to that effect and the Commission may, after consultation with the Civil Service Commission concerned, cause such vacancy to be filled by way of secondment or transfer.

(4) Where any member of a civil service is seconded under subsection (3) of this section, he shall be notified of the terms and conditions of the secondment and the secondment shall be without prejudice to any pension rights which, but for the secondment, would have accrued to him.

(5) A person seconded pursuant to subsection (3) of this section, may elect, subject to the approval of the Commission, to be transferred to the service of the National Assembly, in which case any previous service in the Civil Service concerned shall count as service for the purposes of pension subsequently payable by the Commission.

(6) A member of staff of the National Assembly may elect to transfer or be seconded to any other public service of the Federation and such right of transfer or secondment shall not operate to the disadvantage of the officer concerned.

(7) In exercising its powers to make appointments or exercise disciplinary control over persons, the Commission shall not be subject to the direction or control of any other authority or person.

(8) The Commission shall have power to pay its staff such remunerations as may be approved by the National Assembly.

1. Power of delegation and certain restrictions thereon

(1) The Commission may, subject to such conditions as it may think fit, delegate any of its powers under section 7 of this Act to-

(a) any of its members; or

(b) a committee consisting of such persons (one of whom shall be named as chairman) as may be prescribed by the Commission; or

(c) the Clerk of the National Assembly or to any other officer in the service of the National Assembly, but no such delegation shall preclude the exercise by the Commission of any power vested in it by this Act.

(2) Notwithstanding subsection (1) of this section or any other provision of this Act, the Commission shall not delegate any of its powers in respect of offices of the Clerk to the National Assembly, the Deputy Clerk to the National Assembly, the Clerk of the Senate, the Clerk of the House of Representatives, the Deputy Clerk of the Senate, the Deputy Clerk of the House of Representatives and such other staff below Grade Level 08.

1. Staff of the National Assembly prescribed

The staff of the National Assembly shall comprise-

- (a) the Clerk to the National Assembly;
- (b) the Deputy Clerk to the National Assembly;
- (c) the Clerk of the Senate;
- (d) the Clerk of the House of Representatives;
- (e) the Deputy Clerk of the Senate;
- (j) the Deputy Clerk of the House of Representatives; and
- (g) holders of the offices set out in the Second Schedule to this Act.

[Second Schedule.]

10. Appointment of Acting Clerk to the National Assembly

Except by a resolution of each House of the National Assembly, no person shall act in the office of the Clerk to the National Assembly for a period exceeding six months.

11. Removal from office of the Clerk to the National Assembly

Notwithstanding the provisions of section 7 (2) (b) of this Act, a person holding the office of the Clerk to the National Assembly shall only be removed by the Commission acting on an address supported by a simple majority of each House of the National Assembly praying that he be so removed for inability to discharge the functions of his office due to infirmity of the mind or body or any other cause or for misconduct.

12. Pension

(1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the National Assembly shall be approved service in the public service of the Federation for the purposes of that Act and, accordingly, officers and other staff of the National Assembly shall in respect of their services in the National Assembly be entitled to such pensions, gratuities and other retirement benefits as are prescribed in that Act.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Government of the Federation

(not being the power to make regulations under section 23 of that Act) are hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

(3) Nothing in the foregoing provisions of this section shall prevent the appointment of a person to any office in the National Assembly on terms which preclude the grant of a pension or gratuity in respect of service in that office.

13. Staff regulations

(1) Subject to the provisions of this Act, the Commission may make regulations relating generally to the conditions of service, including the power to fix salaries and allowances, of the staff of the National Assembly and, without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the composition of membership of the committee referred to in section 8 of this Act;

(b) the appointment, promotion, and disciplinary control (including dismissal) of staff of the National Assembly; and

(c) appeals by such staff against dismissal or other disciplinary measures and until such regulations are made, any instruments relating to the conditions of service of persons in the service of the Federation shall, with such modifications as may be necessary, be applicable to the staff of the National Assembly.

(2) Any regulation made under subsection (1) of this section need not be published in the Federal *Gazette* but the Commission shall cause them to be laid before each House of the National Assembly and to be brought to the notice of all affected persons through publications in the House Journal of either the Senate or the House of Representatives or in such manner as it may, from time to time, determine.

14. Fund of the Commission

(1) The National Assembly shall establish a fund for the Commission and provision for the fund shall be made in the annual budget of the National Assembly.

(2) There shall be paid and credited to the Fund established pursuant to subsection (1) of this section-

(a) such monies as may, from time to time, be granted or deposited with the Commission by the National Assembly or any body or institution within Nigeria;

- (b) all monies raised for the purposes of the Commission by way of gifts loans, grants-in-aid, testamentary dispositions or otherwise; and
- (c) proceeds from all other assets that may, from time to time, accrue to the Commission.

(3) The Commission shall defray from the fund all expenditure incurred by it and shall include-

- (a) the cost of administration;
- (b) the payment of salaries, fees or other remuneration or allowances and pensions and gratuities payable to members and employees of the Commission; and
- (c) anything done in connection with any of its functions under this Act

15. Annual estimates and expenditures

(1) The Commission shall not later than 30 September in each year, submit to the National Assembly an estimate of its income and expenditure of the Commission during the next succeeding year.

(2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records of such accounts which shall be audited not later than six months after the end of each year by auditors appointed by the National Assembly from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

16. Borrowing

The Commission may, subject to the approval of each House of the National Assembly, borrow by way of loan or overdraft from any source within Nigeria any sums required by the Commission for meeting its obligations and discharging its functions under this Act.

17. Offices and premises of the Commission

For the purpose of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act-

[Cap. L5.]

- (a) purchase or take on lease any interest in land, or other property; and
- (b) equip and maintain same subject to the approval of the National Assembly.

18. Interpretation

In this Act, unless the context otherwise requires-

“**chairman**” means the chairman of the Commission;

“**Commission**” means the National Assembly Service Commission established by section 2 of this Act;

“**member**” means any member of the Commission appointed under section 3 of this Act, and includes the chairman;

“**President**” means the President of the Federal Republic of Nigeria; and

“**secretary**” means the secretary to the Commission appointed pursuant to section 6 of this Act.

19. Short title

This Act may be cited as the National Assembly Service Commission Act.

SCHEDULES

FIRST SCHEDULE

[Section 3 (7).]

Proceedings of the Commission

1. At any meeting of the Commission, the chairman shall preside and in his absence such member of the Commission as the other members may elect from among themselves for that purpose, shall preside.

1. The quorum for meetings of the Commission shall be five.

2. The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose and subject to such standing orders and paragraph (2) of this Schedule, may function notwithstanding any vacancy in its membership or the absence of any member.

4. The Commission may appoint one or more committees to carry out on behalf of the Commission, such of its functions as the Commission may determine but no decision of any such committee shall have effect unless ratified by the Commission.

5. The Commission may co-opt persons who are not members of the Commission to any meeting of the Commission or any committee and such persons may take part in the deliberations of the Commission or any committee but shall not be entitled to vote.

SECOND SCHEDULE

[Section 9 (g).]

Staff of the National Assembly

1. OFFICE OF THE CLERK TO THE NATIONAL ASSEMBLY

(a) Medical	Director, Medical Services
(b) Internal Audit	Deputy Director
(c) Sergeant-at – Arms	Sergeant-at-Arms
(d) Protocol	Deputy Director
(i) Senate Protocol	Assistant Director
(ii) House of Representatives	Protocol Assistant Director
(e) National Secretariat of Nigerian	Legislature Deputy Director
(f) Lagos Liaison Office	Assistant Director

II. OFFICE OF THE CLERK OF THE SENATE

- (a) Clerk of Senate
- (b) Deputy Clerk of Senate

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(c) Chamber	Principal Clerk Assistant
(d) Committee	Principal Clerk Assistant

III. OFFICE OF THE CLERK, HOUSE OF REPRESENTATIVES

- (a) Clerk of the House of Representatives
- (b) Deputy Clerk, House of Representatives

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(c) Chamber	Principal Clerk Assistant
(d) Committee	Principal Clerk Assistant

IV. DEPARTMENTS OF THE NATIONAL ASSEMBLY

1. Personnel department

(a) Director

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(b) Appointments, Promotion and Discipline Deputy Director

(c) Training and Staff Welfare Deputy Director

2. Finance and Supplies department

(a) Director

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(b) Supplies Deputy Director

(c) Accounts Deputy Director

(d) Budget Deputy Director

3. Legislative Budget and Planning department

(a) Director

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(b) Legislative Budget Deputy Director

(c) Planning Deputy Director

4. Library, Research and Computer Services department

(a) Director

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(b) Library and Research Deputy Director

(c) Statistics and Computer Deputy Director

5. Information and Publications department

(a) Director

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(b) Information Deputy Director

(c) Official Report Deputy Director

(d) Printing and Publication Deputy Director

6. Legal Services department

(a) Director

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| (b) Legal Drafting | Deputy Director |
| (c) Litigations and Counselling | Deputy Director |

7. Estate and Works department

(a) Director

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|-------------------------------|-----------------|
| (b) Electrical and Mechanical | Deputy Director |
| (c) Building and Civil | Deputy Director |
| (d) Transport | Deputy Director |
| (e) Maintenance | Deputy Director |

8. Such other staff as may be necessary for running the affairs of the National Assembly.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation