

NATIONAL ASSEMBLY SERVICE COMMISSION**ACT, 2000****ARRANGEMENT OF SECTIONS****SECTION :**

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SCHEDULE

NATIONAL ASSEMBLY SERVICE COMMISSION

ACT, 2000

2000 ACT No. 7

AN ACT TO REPEAL THE NATIONAL ASSEMBLY SERVICE COMMISSION ACT CAP. 236 LAWS OF THE FEDERATION OF NIGERIA 1990, TO PROVIDE FOR A NEW COMMISSION TO REFLECT THE CURRENT STRUCTURE OF THE NATIONAL ASSEMBLY ; AND FOR CONNECTED PURPOSES

[30th October, 2000]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

NATIONAL ASSEMBLY SERVICE COMMISSION

1. The National Assembly Service Commission Act Cap. 236 Laws of the Federation of Nigeria 1990 is repealed.

Repeal of
Cap. 236
LFN.

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

Establishment
of National
Assembly
Service
Commission.

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

3.—(1) The Commission shall comprise a Chairman and 12 other members.

Membership
of the
Commission.

(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 of the Federal Republic of Nigeria a proposed list out of which the President of the Federal Republic of Nigeria shall nominate for appointment a Chairman and members of the Commission.

(4) The President of the Federal Republic of Nigeria 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 the Senate.

(5) At least 2 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 provision in First Schedule to this Act shall have effect with respect to the proceedings of the Commission or 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 section 3 (4) of this Act 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 staffing 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
Constitution.

Qualification for Membership.	4.—(1) No person shall be 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 10 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, or as the holder of any other office on the ground of misconduct.
1999 Constitution.	(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 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.
Removal from Office.	5.—(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 provision 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 for inability to discharge the function 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.
Appointment of Secretary to the Commission.	6.—(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 Federal Civil Service ; (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 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.—(1) The Commission shall—

- (a) formulate and implement guidelines for its functions ;
- (b) appoint person 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 still accrue 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) Any 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 authority or person.

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

Power, of
delegation
and certain
restriction
thereon.

8. — (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 prevent 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, Deputy Clerk of the Senate, the Deputy Clerk of the House of Representatives and such other staff not below Grade Level 08.

STAFF OF THE NATIONAL ASSEMBLY

Staff of the
National
Assembly
Prescribed.

9. 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 ;

(f) the Deputy Clerk of the House of Representatives ; and

(g) holders of the offices set out in Second Schedule to this Act.

APPOINTMENT OF ACTING CLERK TO THE NATIONAL ASSEMBLY

Appointment
of Acting
Clerk to the
National
Assembly.

10. Except by 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.

Removal
from office
of the Clerk
to the
National
Assembly.

11. 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 his functions due to infirmity of the mind or body or any other cause or for misconduct.

Pension Cap.
346. LFN

12.—(1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the National Assembly shall be 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.

(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.—(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—

Staff
Regulations.

(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 regulations 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.

FUND OF THE COMMISSION

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

Fund of the
Commission.

(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 the country ;

(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

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

- (a) the cost of administration ;
- (b) the payment of salaries, fees or other remunerations 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.

ANNUAL ESTIMATES AND EXPENDITURE

Annual
Estimates and
Expenditures.

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

Borrowing.

16. 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 the country any sums required by the Commission for meeting its obligations and discharging its functions under this Act.

Offices and
Premises
of the
Commission.

17. 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—

- (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.

SUPPLEMENTARY

Interpreta-
tion.

18. In this Act, unless the context otherwise requires—

"the Chairman" means the Chairman of the Commission ;

"the Commission" means the National Assembly Service Commission established by section 2 of this Act ;

"the Member" means any member of the Commission appointed under section 3 of this Act, including the Chairman ; and

"the Secretary" means the Secretary to the Commission appointed pursuant to section 6 of this Act.

Short Title.

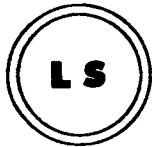
19. This Act may be cited as the National Assembly Service Commission Act, 2000.

SCHEDULE TO THE NATIONAL ASSEMBLY SERVICE COMMISSION BILL, 2000

(1)	(2)	(3)	(4)	(5)
<i>Short Title of the Bill</i>	<i>Long Title of the Bill</i>	<i>Summary of Contents of the Bill</i>	<i>Date Passed by Senate</i>	<i>Date Passed by House of Representatives</i>
National Assembly Service Commission Bill, 2000	An Act to repeal the National Assembly Service Commission Act Cap. 236 Laws of the Federation of Nigeria 1990, to provide for a new Commission to reflect the current structure of the National Assembly ; and for connected purposes.	This Bill seeks to repeal the National Assembly Service Commission Act Cap. 236 Laws of the Federation of Nigeria 1990 and to provide for a new Commisison so as to bring it into conformity with the present structure of the National Assembly. The Bill gives power of nomination of the members of the Commission to the National Assembly but appointment can only be made by the President of the Federal Republic of Nigeria. The Bill also gives the Commission the power to appointment, discipline, promotion and dismissal of staff of the National Assembly.	14th Sept., 2000	14th September, 2000

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act of 1961.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
2nd October, 2000

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
30th October, 2000