

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 63

Lagos - 15th July, 2014

Vol. 101

Government Notice No. 73

The following is published as supplement to this *Gazette* :

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Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 90/72014/1,200

Annual Subscription from 1st January, 2014 is Local : ₦25,000.00 Overseas : ₦37,500.00 [Surface Mail]
₦49,500.00 [Second Class Air Mail]. Present issue ₦1,000 per copy. Subscribers who wish to obtain *Gazette* after 1st
January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

NATIONAL ASSEMBLY SERVICE ACT, 2014



ARRANGEMENT OF SECTIONS

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SCHEDULES

NATIONAL ASSEMBLY SERVICE ACT, 2014

ACT No. 3

AN ACT TO REPEAL THE NATIONAL ASSEMBLY SERVICE COMMISSION ACT CAP. N7 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL ASSEMBLY SERVICE ACT, 2014 TO REORGANISE THE MANAGEMENT AND ADMINISTRATIVE STRUCTURE OF THE NATIONAL ASSEMBLY FOR IMPROVED SERVICE DELIVERY AND FOR RELATED MATTERS

[30th Day of June, 2014]

Commence-
ment.

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

1.—(1) The National Assembly Service Commission Act, Cap. N7 Laws of the Federation of Nigeria, 2004 is repealed.

Repeal.

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

Establishment
of the
National
Assembly
Service
Commission.

(2) The Commission :

- (a) is a body corporate with perpetual succession ; and
- (b) may sue and be sued in its corporate name.

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 sub-section (3) of this section subject to the confirmation by the Senate.

(5) At least 2 members of the Commission shall be drawn from each of the six geopolitical zones of Nigeria.

(6) A member of the Commission shall hold office for a period of 5 years from the date of his appointment and he may be reappointed for another term of 5 years and no more.

(7) The provision in the 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 geopolitical 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.

Qualification
of Member-
ship.

4.—(1) No person shall be considered for appointment as a member of the Commission, if:

(a) he is not qualified to be elected 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 ; and

(c) he has no requisite experience in public service matters.

(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 a resolution 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 sub-section (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 simple majority of the members of each House for inability to discharge the function of the office or for misconduct.

(3) 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 30 days of being requested to do so.

6.—(1) The Commission shall :

Functions
of the
Commission.

(a) formulate and implement guidelines for its functions ; and

(b) appoint persons to hold or act in the offices 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 ;

(vii) Secretaries to the Directorates ; and

(viii) holders of other offices that shall be created by the Commission on the recommendation of the Clerk to 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 considers it expedient that any vacancy in the staff of the National Assembly should be filled, the Commission shall cause to be advertised internally and externally in accordance with the laws and regulations governing appointments into Public Service of the Federation.

(4) 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.

(5) Where any member of a civil service is seconded under sub-section (4) 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.

(6) A person seconded under sub-section (4) 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 the pension subsequently payable by the Commission.

(7) 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.

(8) 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.

(9) 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.

7.—(1) The Commission may, subject to such conditions as it may deem fit, delegate any of its powers under section 6 of this Act to :

- (a) any of its members ;
- (b) a committee consisting of such persons (one of whom shall be named as Chairman) as may be prescribed by the Commission ; and
- (c) the Clerk to the National Assembly or 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 sub-section (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, Deputy Clerk to the National Assembly, the Clerk of the Senate, the Clerk of the House of Representatives, Deputy Clerk of the Senate, Deputy Clerk of the House of Representatives, Secretaries to the Directorates and such other staff not below Grade Level 07.

Appointment of Secretary to the Commission.

8.—(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 Public Service ;
- (b) be the accounting officer of the Commission ; and
- (c) keep custody of the seal of the Commission.

(2) The Secretary shall, subject to the general direction of the Commission, be responsible for :

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

9. There shall be a Clerk to the National Assembly who shall be :
- (a) the head of the National Assembly Service ;
 - (b) the accounting officer of the National Assembly ; and
 - (c) responsible for the day-to-day administration of the affairs of the National Assembly.
- Office of the Clerk to the National Assembly.
10. 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 removed for inability to discharge his functions due to infirmity of the mind, body, any other cause or for misconduct.
- Removal from office of the Clerk to the National Assembly.
11. 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 6 months.
- Appointment of Acting Clerk to the National Assembly.
- 12.—(1) 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 ;
 - (g) Secretaries to the Directorates ;
 - (h) the Directors ; and
 - (i) holders of other offices that shall be created by the Commission on the recommendation of the Clerk to the National Assembly.
- Staff of the National Assembly.
- (2) The Sergeant-at-Arms and other Security Personnel of the National Assembly Service shall be vested with all the powers, privileges and immunities of police or law enforcement agencies in the performance of their duties within the National Assembly Complex and other National Assembly premises.
- 13.—(1) Notwithstanding the provisions of the Pensions Reform Act, it is declared that service in the National Assembly shall be service in the Public Service of the Federation for the purposes of the Pension Reform Act, officers and other staff of the National Assembly are entitled to such pensions, gratuities and other retirement benefits as are prescribed in that Act.
- Pensions, etc.
- Act No. 2, 2004.

No. 2, 2004.

(2) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable by the National Pension Commission Act, Fund Administrators and Custodians, or other authority of Government of the Federation (not being the power to make regulations under section 19 of that Act) are vested in and shall be exercisable by the National Assembly Service Commission and not by any other person or authority.

(3) Nothing in the 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.

Directorates
in the
National
Assembly
Service.
Second
Schedule.

14.—(1) The Directorates of the National Assembly are as set out in the Second Schedule to this Act.

(2) The Secretaries to the Directorates shall be appointed by the Commission in consultation with the National Assembly Management.

(3) The Secretaries to the Directorates shall exercise general superintendence over the affairs of their respective Directorates.

(4) Notwithstanding the provision of subsection (1) of this section, the Commission, on the recommendation of the Management to the National Assembly shall establish such Directorates, Departments and Divisions as exigencies may demand for effective and efficient administration of the Service.

(5) In exercising the power to make appointments pursuant to the provisions of sections 4 and 14 of this Act, consideration shall be given to seniority, cognate experience, competence or federal character.

Fund of the
Commission.

15.—(1) There is established a fund for the Commission and the 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 under sub-section (1) of this section :

(a) such monies as may, from time to time, be granted or deposited with the Commission by the National Assembly, anybody 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 it.

(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, 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.

16.—(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.

Annual estimates and expenditure.

(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 6 months after the end of each year by auditors appointed by the Commission from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

17. 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 sum required by the Commission for meeting its obligations and discharging its functions under this Act.

Borrowing.

18. 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 :

Offices and premises of the Commission.

(a) purchase or take on lease any interest in land or other property ; and

Cap. L5
LFN, 2004.

(b) equip and maintain same, subject to the approval of the National Assembly.

19.—(1) Subject to the provisions of this Act , the Commission may make staff 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 7 (1)(b) 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 instrument relating

to the conditions of service of persons in the Public Service of the Federation shall, with such modification as may be necessary, be applicable to the staff of the National Assembly.

Savings.

20. Anything done or purported to have been done under the National Assembly Service Commission Act, Cap. N7, Laws of the Federation of Nigeria, 2004 remains valid, subject to the provisions of this Act.

Interpretation.

21. In this Act :

“*Chairman*” means the Chairman of the Commission or of a Committee set out by the Commission ;

“*Commission*” means the National Assembly Service Commission established by Section 2(1) of this Act ;

“*member*” means any member of the Commission appointed under section 3(1) of this Act, including the Chairman ;

“*National Assembly Service*” means service in the National Assembly and the National Assembly Service Commission ;

“*Secretary*” means the Secretary to the Directorate or the Commission ;

Citation.

22. This Act may be cited as the National Assembly Service (Establishment, etc.) Act, 2014.

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.
2. The quorum for meetings of the Commission shall be 7 members.
3. 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 despite any vacancy in its membership or the absence of any member.
4. The Commission may appoint one or more committees to carry out on its behalf, such functions as the Commission may determine but no decision of any such Committee shall have effect unless it is 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.

DIRECTORATES

- (a) Corporate Affairs.
- (b) Legal Services.
- (c) Finance and Accounts.
- (d) Procurement, Estate and Works.
- (e) Common Services Office.

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of June, 2014.

EXPLANATORY MEMORANDUM

This Act repeals the National Assembly Service Commission Act, Cap. N7 Laws of the Federation of Nigeria, 2004 and enacts a National Assembly Service Act, 2014 with a view to reorganising the management and administrative structure of the National Assembly for improved service delivery.

SCHEDULE TO THE NATIONAL ASSEMBLY SERVICE BILL, 2014

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
National Assembly Service Bill, 2014.	An Act to repeal the National Assembly Service Commission Act Cap. N7 Laws of the Federation of Nigeria, 2004 and enact the National Assembly Service Act, 2014 to reorganise the management and administrative structure of the National Assembly for improved service delivery ; and for related matters.	This Act repeal the National Assembly Service Commission Act Cap. N7 Laws of the Federation of Nigeria, 2004 and enacts the National Assembly Service Act, 2014 with a view to reorganising the management and administrative structure of the National Assembly for improved service delivery.	5th June, 2014.	27th May, 2014.

Federation of Nigeria, 2004.



LEGISLATIVE
SERVICE

SALISU ABUBAKAR MAIKASUWA, CON, mni

Clerk to the National Assembly

26th Day of June, 2014.

DR. GOODLUCK EBIHE JONATHAN, GCJR

President of the Federal Republic of Nigeria

30th Day of June, 2014.