



NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES ACT, 2011

EXPLANATORY MEMORANDUM

This Act repeals the Institute for Democratic and Legislative Studies Act, 2007 and enacts the National Institute for Legislative Studies Act, 2011.

ARRANGEMENT OF SECTIONS

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A Bill for an Act to repeal the Institute for Democratic and Legislative Studies Act, 2007 and enact the National Institute for Legislative Studies Act, 2011

Commencement

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

1. (1) there is established the National Institute for Legislative Studies (in this Act referred to as "the Institute").

Establishment of the Institute

- (2) The Institute shall be a body corporate with perpetual succession and a common seal.

- (3) The Institute shall be located in the Federal Capital Territory (FCT).
2. (1) Subject to the provisions of this Act, the Institute shall be charged with the responsibility of conducting quality academic and professional research, training and advocacy on democratic governance and legislative practice and procedures.

Functions and objectives of the Institute

- (2) The Institute shall have powers to:
- (a) Act as a centre of excellence for research and publication on democratic governance and legislative practice and procedures;
 - (b) Act as a centre for continuing education on democracy and legislation;
 - (b) Promote and disseminate among legislative assemblies in Nigeria the practice of science based methodologies of law-making;
 - (d) Promote and protect constitutional due process in legislative practices;
 - (e) Promote critical research material and policy insights as background materials for committees of the National Assembly;
 - (f) Improve the capacity of legislators to sustain and consolidate democratic governance through deliberation and policy formulation;
 - (g) Improve the technical capacity of legislative staff, committee secretaries and political aids to process appropriation bills and policy oversight of the executive;
 - (h) Document and publish for public use the history and politics of the legislature in governance in Nigeria from colonial period to the present;
 - (i) conduct periodic training on democratic principles for members of the Armed Forces; (j) Monitor elections;
 - (k) Provide interface between democratic institutions and the civil societies;
 - (l) Sensitize the Nigerian public to imbibe, support and defend democratic and legislative ethics; and

- (m) Undertake such other incidental responsibilities relating to the development, consolidation and advancement of legislative independence.
- (3) The institute shall also have powers to:
 - (a) Conduct periodic short and refresher courses for National and State legislators, staff: committee secretaries and political aides on democracy and good governance;
 - (b) Provide research reports for legislation for the National Assembly, their committees or the Legal Services Department of the National Assembly;
 - (c) Produce independent policy responses to legislation or policies pending before either Chamber of the National Assembly;
 - (d) Initiate and encourage legislative drafting courses tertiary institutions in Nigeria and abroad;
 - (e) Encourage private sector participation and collaborate with national and international organizations on research and training on issues relevant to its mandate;
 - (f) Run and maintain quality and world class libraries and database on the legislative system and democratic governance;
 - (g) Be involved in teaching, training and research on political culture and political development among others;
 - (h) Develop training curricula for schools and tertiary institutions on democratic, legislative practice and procedures, political culture, civics, ethics and political development;
 - (i) Provide training courses on democracy, legislative practice and procedures, political culture and development;
 - (j) Engage visiting scholars and fellows to participate in its academic research programs;
 - (k) Provide endowments to enhance the training and teaching offered to its clients;
 - (l) Initiate and execute any project that would help to generate ideas and policies for good governance; and

- (m) Award appropriate professional certificates and testimonials according to the training and teaching offered to its clients.
- (4) The Institute shall not through its program or policies endorse any candidate or any political party for elective office or campaign on behalf of any religious, ethnic or cultural organization.

Establishment of Governing Council for the Institute

3. (1) there is established for the Institute the Governing Council (in this Act referred to as "the Council").

- (2) The Council is vested with the power to make decisions and formulate general policies for the guidance of the Institute.
- (3) The Council shall consist of:
 - (a) President of the Senate as Chairman or at his instance the Deputy Senate President;
 - (b) Speaker of the House of Representatives as Alternate Chairman or at his instance the Deputy Speaker;
 - (c) 6 serving Senators (one from each geo-political zone from relevant Committees) nominated by the President of the Senate;
 - (d) 6 serving members of the House of Representatives (one from each geo-political zone from relevant Committees) nominated by the Speaker;
 - (e) The Chairman, National Assembly Service Commission;
 - (f) Clerk to the National Assembly; and
 - (g) Director -General of the Institute as a Member/Secretary.
- (4) The supplementary provisions contained in the Schedule to this Schedule Act shall have effect with respect to the proceedings of the Council and the other matters.

Tenure of office

4. (1) The Chairman and members other than the ex-office members shall hold office for a period of 4 years and may be eligible for re-appointment for another term of 4 years.

(2) The office of the Chairman or any member of the Council shall become vacant if:

- (a) He resigns his office by notice in writing under his hand addressed to the office of the President of the Senate;
- (b) The President of the Senate, in consultation with the Speaker of the House of Representatives on the recommendation of the Chairman of the Council is satisfied that it is not in the interest of the Institute for the person to continue in office and notifies the member in writing to that effect; or
- (c) He is incapable of performing the functions of his office by reason of disease or infirmity and has been so declared by a medical practitioner.

Allowances of members of the Council

5. Members of the Council may receive allowances as are applicable to government agencies and institutes or as may be stipulated by the Council in accordance with applicable Federal Government regulations.

Powers of the Council

6. The Council shall have power to:

- (a) Determine the general policy of the Institute;
- (b) Provide for the discipline and welfare of members of staff of the Institute;
- (c) Erect, provide equip and maintain libraries, lecture halls, halls of residence and other buildings or structures necessary for the Institute; and
- (d) Constitute relevant committees to assist in executing specific assignments for the Institute.

Director-General of the Institute

7. (1) there shall be for the Institute, a Director-General who shall possess appropriate qualifications and cognate experience.
- (2) The Director-General shall be appointed by the President of the Senate in consultation with the Speaker of the House of Representatives.
- (3) The Director-General shall hold office for a period of 4 years and may be reappointed for another term of 4 years.
- (4) The Director-General shall be the Chief Executive and Academic Officer of the Institute and shall be charged with the general responsibility for matters relating to the day-to-day management and operations of the Institute.
- (5) The Director-General shall be responsible to the Council.

The structure of the Institute

8. (1) there shall be established for the Institute, such Departments as the Institute may deem necessary.
- (2) Each Department shall be headed by a Director who shall be a professionally qualified person appointed through a competitive process.
- (3) Subject to the approval of the Council, the Management Committee may create additional departments, divisions and units as it may deem necessary to achieve the objectives of the Institute.

Establishment of the Management Committee

9. (1) there is established for the Institute, a Management Committee comprising the Directors of the various Departments.
- (2) The Director-General shall be a Chairman of the Management Committee.
- (3) The Management Committee shall be responsible for the general administration of the Institute particularly recruitment, discipline and promotion of staff.

Staff of the Institute

10. (1) the staff of the Institute other than those mentioned in the Act shall be employed according to procedure of employment as stipulated by Council.
- (2) The staff of the Institute shall be entitled to benefits under the Pension Reform Act. No2, 2004
- (3) Nothing in subsections (1) and (2) of this section shall prevent the employment of a person to any office on temporary or permanent basis on terms which preclude the grant of pension.

Staff regulations

11. (1) The Council may, subject to the provision of this Act, make Staff Regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing such regulations may provide for:
 - (a) The appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and
 - (b) Appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made; any instrument relating to the conditions of service of public officers shall be applicable, with such modification as may be necessary, to the employees of the Institute.
- (2) The staff regulations made under subsection (1) of this section, shall not have effect until they are approved by the Council of the Institute and when so approved, shall be officially gazette, but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time determine.

Establishment of fund for the Institute

12. (1) The Institute shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.
- (2) At the beginning of every budget year, the Federal Government shall approve a budget for the Institute.

- (3) There shall be paid and credited to the Fund established for the Institute:
 - (a) Sums appropriated from the Federal budget for the fiscal year;
 - (b) Gifts and donations and contributions from national and international institutions and philanthropic persons and organizations; and
 - (c) Fees charge for service rendered by the Institute.

Funds of the Institute

13. The Institute shall manage its funds in accordance with rules made by the Management Committee with the general direction of the Council, and without prejudice to the power to make rules under this section; the rules shall contain provisions specifying:
 - (a) The manner in which assets or funds of the Institute are to be held; and
 - (b) The keeping of proper accounts and records for the purpose of the fund in such manner as may be safe and effective.

Application of funds of the Institute

14. The Institute shall apply its fund to the cost of administration of the Institute, including but not limited to, payment of salaries, gratuities, allowances, fees and the payment of other contract, consultancies and purchases made for the benefit of the Institute.

Estimate of income and expenditure of the Institute

15. The Institute shall, not later than 31st of August each year, present to the Council for approval an estimate of the expenditure and incomes of the Institute for the next fiscal year.

Annual budget of the Institute

16. The Institute shall not later than 30th September each year or other date stipulated by law or administrative policy, submit to the National Assembly an estimate of the expenditure and incomes of the Institute approved by the Council for the next fiscal year for incorporation in the budget of the Federation.

17. The Institute shall submit to the National Assembly quarterly reports Quarterly report of the finances of the Institute and the annual report of its activities.
18. The Institute may accept gifts and bequests upon such terms that do not compromise its capability to fulfill its objectives and sustain its non-partisan policy.
19. The Institute may, with approval in writing of the Council and subject to other guidelines and policies of the Federal Government, borrow such money needed for the exercise of its functions as the Management Committee may determine under this Act, provided that such borrowing shall be made on terms that do not compromise the independence and competence of the Institute.
20. No suit shall commence against the Institute before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Institute by the party intending to sue the Institute.
21. Any summons, notices, process or other document required or authorized to be served on the Institute under the provisions of this Power to accept gifts Power to borrow Procedure for suit against the Institute Service of summons Act, or any law, shall be served by delivering the same to the Director-General of the Institute, or by sending it by registered mail to the Director-General at the principal office of the Institute.

Indemnity for members etc

22. (1) every member of the Council, Management Committee, agent or employee of the Institute, shall be indemnified from the Fund of the Institute against any liability incurred by him or her in defending any proceeding, if such proceeding is brought against him or her in his or her capacity as such member, agent or employee.
- (2) For the purpose of its administrative and business activities, the provisions of the Public Officer Protection Act shall apply with such modification as necessary to promote the effective realization of the objectives of the Institute.

- (3) Subject to the provisions of this Act, the Council shall have powers to issue subsidiary rules relating to legal liabilities and indemnities of officials and staff of the Institute.

Acquisition of property by the Institute Cap L10 LFN 2004

- 23 The Institute may, subject to the provision of the Land Use Act and any other applicable law, lease, rent or acquire an interest in land and other properties, build and maintain offices and premises for its activities.

Interpretation

24. in this Act:

"Chairman" means the Chairman of the Governing Council;

"Director-General" means the Chief Executive of the Institute;

"Institute" means the National Institute for Legislative Studies.

Citation

25. The Act may be cited as the National Institute for Legislative Studies Act, 2011.

SCHEDULE Section 3(4)

Supplementary Provisions Relating to the Institute

Proceedings of the Council

- (1) Subject to this Act and other applicable laws, the Council may make standing orders regulating its proceedings.
2. The Council shall meet whenever summoned by the Chairman, or if required to do so by at least 6 members of the Council and shall meet for a minimum of 4 times a year.
3. The Chairman shall preside at the meeting of the Council and in his absence, the Alternate Chairman to Preside.

4. The quorum for the Council shall be formed whenever the Chairman and 5 other members are present at a scheduled meeting but in the absence of the Chairman, 6 members including the Secretary shall form a quorum.
5. The Management Committee may appoint one or more Committees to carry out, on behalf of the Management Committee, such of its functions as the Management Committee may determine.
6. A decision of a sub-committee of the Management Committee shall be of no effect until it is confirmed by the Management Committee.
7. (1) the fixing of the common seal of the Institute shall be authenticated by the signature of the Chairman or of some other member authorized generally or specifically to act for that purpose by the Management Committee.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute by the Director-General or any person generally or specially authorized to act for that purpose by the Management Committee ..
8. Where the Council or the Management Committee desires to obtain advice from any person on a particular matter, the Council or Management Committee may co-opt him or her as a member for such period as the Council or Management Committee thinks fit but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council or Management Committee and shall not count towards a quorum.