

A BILL

FOR

AN ACT TO REGULATE ALL FORMS OF SUBSIDIARY LEGISLATION, OTHERWISE KNOWN AS DELEGATED LEGISLATION, WHICH INCLUDE REGULATIONS, ORDERS, RULES, NOTICES, BYE-LAW ETC TO ENSURE THAT THE SUBSIDIARY LEGISLATION IS MADE CONSISTENT WITH THE OBJECTIVES OF THE ENABLING LAW AND FOR RELATED MATTERS

Sponsored by Rt. Hon. Yakubu Dogara

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. -(1) Before a subsidiary legislation can be made, the authority
2 making the legislation, is required to:

3 (a) set out, clearly, the objectives that the legislation intends to
4 achieve, how to achieve it and the reasons for the target objectives

5 (b) ensure that the legislation is in accordance with the principles,
6 spirit and intent of the enabling Act;

7 (c) ensure that the legislation is not inconsistent with the objectives
8 of other Acts, subsidiary legislation and stated govern merit policy;

9 (d) ensure that the legislation states options of achieving the stated
10 objectives, wholly or substantially, and the reason for not proceeding with
11 any action;

12 (e) prepare an evaluation on the cost and benefits of the expected
13 goals from the proceedings of the legislation;

14 (d) state whether the legislation would impinge or may affect the
15 area-of responsibility of another authority; and

16 (g) ensure that there is no overlapping or duplication of functions
17 between the authorities.

18 (2) The legislation is expressed plainly, clearly, consistently and

1 unambiguously with the language of the enabling Act.

2 (3) The authority responsible for a legislation is required to ensure
3 that a regulatory impact assessment, where applicable, is prepared containing
4 the requirements as set out under sub-clause(1) of this clause.

5 2. -(1) The authority preparing the legislation shall ensure that:

6 (a) notice is published in all the media outlets including the national
7 dailies stating:

8 (i) the objectives of the legislation under consideration;

9 (ii) where a draft copy of the legislation under consideration can be
10 accessed for possible observation, and

11 (iii) how comments and submissions can be made within a specified
12 period of time;

13 (b) consultation with appropriate stake holders , the public, relevant
14 interest group and any sector likely to be affected by the legislation is made;
15 and

16 (c) all the comments and submissions received are to be appropriately
17 considered.

18 (2) The nature and extent of the publicity I referred to in sub-clause (1)
19 of this clause, for the legislative proposal are to be commensurate with the
20 impact likely to arise from making the subsidiary legislation.

21 (3) In the event that the subsidiary legislation is made, copy of the
22 regulatory impact assessment, where applicable, and all written comments and
23 submissions received are to be forwarded to the Legislative House within 14
24 days before gazetting to ensure compliance with this Bill.

25 3. -(1) The relevant Committee of the Legislative House dealing with
26 the issuing Authority of the subsidiary legislation, under consideration, may
27 certify, in writing, that:

28 (a) the subsidiary legislation, under consideration, does not require
29 compliance with clause 1 (3) and 2(3), dealing with regulatory impact
30 assessment; or

1 (b) it is not practicable, in the circumstances of the case, for the
2 issuing authority to comply with the requirement of regulatory impact
3 assessment.

4 Where the subsidiary legislation is exempted from the requirement of
5 regulatory impact assessment enshrined in sub-clause (1) of this clause, the
6 issuing authority shall ensure that relevant provisions of clauses 1 and 2 are
7 applied.

8 A certification under this clause shall specify all or any of the requirements
9 exempted from regulatory impact assessment.

10 4. Authority responsible for issuing subsidiary legislation shall
11 prepare and submit to the Legislative House, before signing the legislation
12 into law:

13 (a) a draft copy of the subsidiary legislation;

14 (b) a copy of the certificate of the issuing authority stating that the
15 provision of this Bill has been complied with;

16 (c) a copy of any relevant certificate under clause 3 of this Bill;

17 (d) a copy of the opinion, of the relevant Committee of the
18 Legislative House signed by the Director of Legal Services Department of
19 the Legislative House, on whether the subsidiary legislation may be made;
20 and

21 (e) an outline of ways of enforcing the proposed subsidiary
22 legislation.

23 (2) The leadership of the Legislative House shall, upon receipt of
24 the documents mentioned in sub clause (1) of this clause, give an approval or
25 otherwise within 30 days.

26 5. Except as provided under this Bill, any subsidiary legislation
27 made contrary to the provision of this Bill is void.

28 6. In this Bill:

29 “Authority and Issuing Authority” means person or body responsible for
30 signing the subsidiary legislation;

1 “Subsidiary Legislation” include any form of delegated legislation;
2 “Legislative House” means National and State Houses of Assembly; and
3 “Leadership of the Legislative House” means the President of the Senate or the
4 Speaker of House of Representative of the National Assembly or State House
5 of Assembly.

Citation

6 7. This Bill is cited as Subsidiary Legislation (Regulation) Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to regulate all forms of subsidiary legislation, otherwise known as delegated legislation, which include Regulations, Orders, Rules, Notices, Bye-Law etc to ensure that the subsidiary legislation is made consistent with the objectives of the enabling Law and members of the public are properly carried along.