

STATUTORY INSTRUMENT (LEGISLATIVE SCRUTINY) BILL, 2015

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO MAKE IT MANDATORY FOR THE NATIONAL ASSEMBLY TO
SCRUTINISE AND APPROVE STATUTORY INSTRUMENT BEFORE IT BECOMES
ENFORCEABLE; AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

1 1. Except otherwise provided in the Constitution, where by an Act
2 of the National Assembly, power, on any matter within the legislative
3 competence of the National Assembly is conferred on a person to make
4 statutory instrument, the provision of this Act shall apply notwithstanding
5 any contrary provision in the Act or any other law.

Application to
statutory
instrument

6 2.—(1) A statutory instrument made by a person under a power
7 conferred by an Act of the National Assembly shall be—

Procedure of
scrutiny

8 (a) laid before both Houses of the National Assembly;

9 (b) be published in the official Gazette or the National Assembly
10 Journal; and

11 (c) come into force at the expiration of twenty-one sitting days after
12 being so laid unless National Assembly; before expiration of the twenty-one
13 days invalidates the instrument by a simple resolution.

14 (2) Subject to subsection (1) where a statutory instrument provides
15 or prescribes fee or salary or any pecuniary charge which is to be borne by a
16 member of the public, the instrument in a draft form and a copy of a written
17 approval of the approving authority shall be laid before both Houses of the
18 National Assembly.

19 3.—(1) A statutory instrument shall not be valid unless it is made in
20 compliance with the provisions of this Act.

Effect of non-
compliance with
the Act

1 (2) Failure to observe a requirement imposed by this or any other Act
2 as to the publication of a statutory instrument or the laying before National
3 Assembly shall invalidate the instrument, but the National Assembly may
4 resolve by a vote of two-thirds majority of each House that an instrument in
5 respect of which requirement has not been observed shall come into operation
6 or shall be deemed to have come into operation on a specified date.

Commencement
of instrument

7 4.—(1) A statutory instrument shall come into operation on the date
8 specified in that behalf in the instrument or, if a date is not so specified, then

9 (a) on the date of the publication in the official Gazette or National
10 Assembly Journal;

11 (b) in any other case, on the date on which the instrument is made.

12 (2) Where an instrument is made after the passing but before the
13 coming into operation of the enactment under which it is made, the instrument,
14 whether or not it is previously published, shall not come into operation before
15 the date on which the said enactment comes into operation.

16 (3) A statutory instrument may provide that it shall come into
17 operation on a date earlier than the making thereof, not being a date earlier than
18 the coming into operation of the enactment under which it is made.

Disciplinary
action for gross
misconduct

19 5.—(1) A person who contravenes a provision of this Act is liable to
20 gross misconduct in service and on the recommendation of both Houses of the
21 National Assembly disciplinary action shall be commenced, according to the
22 law or the rule of service, which is applicable, against him or her.

23 (2) Nothing in this section shall prejudice the prosecution of a person
24 undergoing disciplinary action or preclude such person from being prosecuted
25 or punished for an offence in a court of law.

26 (3) Where a person who is a public officer is liable under this Act,
27 unless he shows reasonable cause which is sufficient for his or her pardon, he or
28 she shall be personally liable.

Amendment
and revocation

29 6.—(1) Where an Act confers power to make a statutory instrument,
30 the Act shall, unless the context otherwise requires, be deemed also to confer

1 power, exercisable by the like authority and in the like manner, to amend or
2 revoke the instrument.

3 (2) Where a statutory instrument is amended by an Act or further
4 statutory instrument the Attorney-General may authorise the reprinting of
5 the whole or a part of the instrument in a form which gives effect to the
6 amendments; and when published by authority the instrument or the part as
7 so reprinted shall be conclusive evidence of the provisions of the amended
8 instrument or part.

9 7.—(1) The Attorney-General may, by legislative instrument—

10 (a) recommend the amendment of the provisions of an Act;

11 (b) conferring power to make statutory instruments, being an Act
12 passed before the coming into operation of this section, so as to bring those
13 provision into conformity with this Act or otherwise for the purposes of this
14 Act; and

15 (c) make any other provision as appears expedient for the purposes
16 of this Act.

17 (2) An instrument made under this section is subject to approval of
18 the National Assembly.

19 8. In this Act unless the context otherwise requires —

20 "Act" or "Act of the National Assembly" means any law made by the
21 National Assembly and includes any law which takes effect under the
22 provision of the Constitution as an Act of the National Assembly;

23 "approving authority" means a person authorized by law to recommend,
24 determine, fix or approve fee or salary;

25 "Attorney General" means Attorney-General of the Federation;

26 "National Assembly" means the Senate and the House of Representatives
27 established by the Constitution;

28 "person" includes corporate body;

29 "power" includes function and duty;

30 "public officer" means a member of staff of the public service as defined by

Power to make
instruments for
purposes of this
Act

Interpretation

1 the Constitution;
2 "statutory instrument" means an instrument made, whether directly or
3 indirectly, under a power conferred by an enactment.

Short Title

4 9. This Act may be cited as the Statutory Instrument (Legislative
5 Scrutiny) Bill, 2015.

EXPLANATORY MEMORANDUM

This Act seeks to make it mandatory for the National Assembly to scrutinise and approve statutory instrument before it becomes enforceable; and to provide for matters incidental thereto.