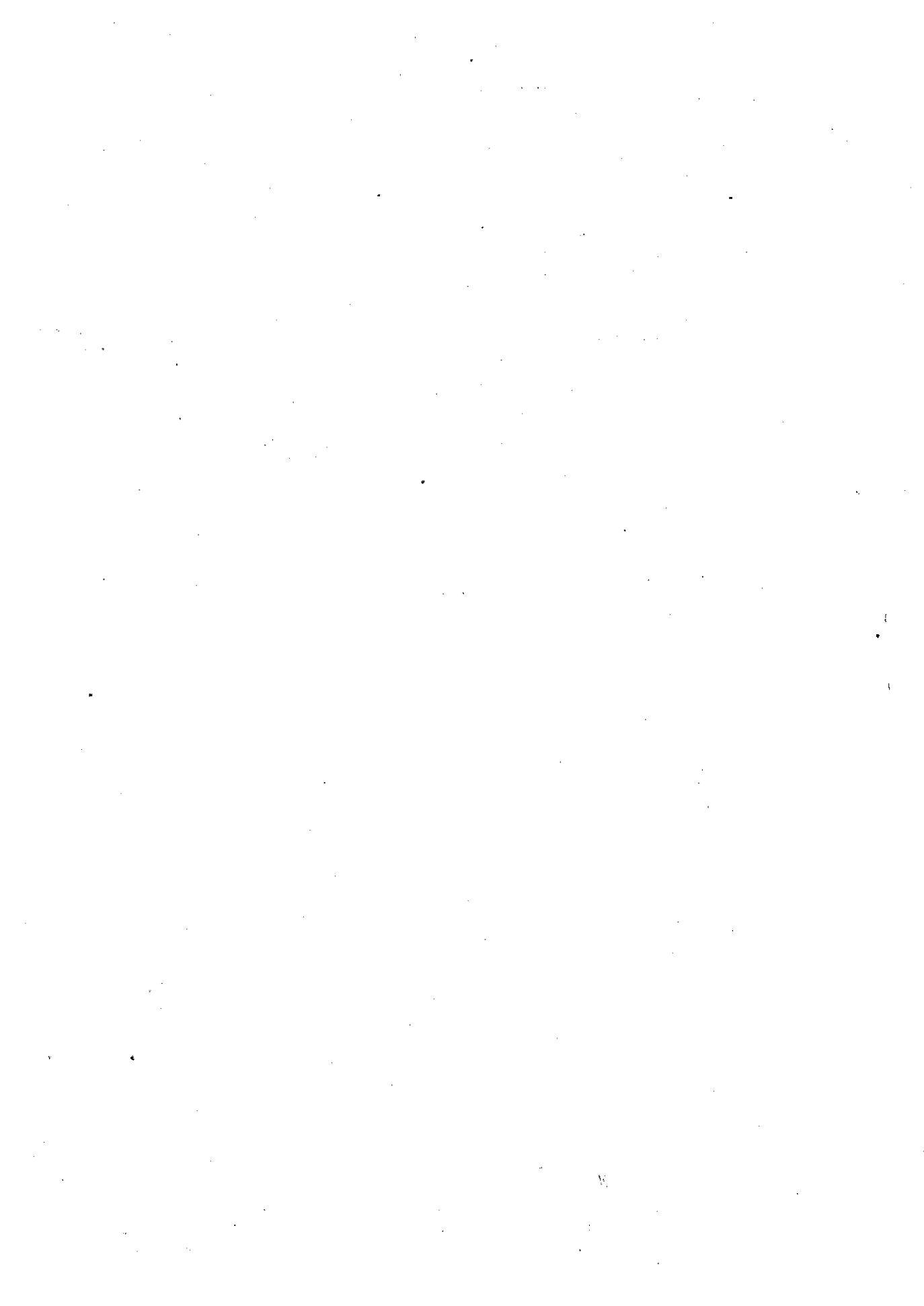


LEGISLATURE AND EXECUTIVE COLLABORATIVE COUNCIL BILL, 2018

ARRANGEMENT OF CLAUSES

Clauses:

1. Establishment of Legislative and Executive Collaborative Council
 2. Objectives of the Council
 3. Membership of the Council
 4. Resignation, cessation or removal from membership of the Council
 5. Functions of the Council
 6. Financial Provision
 7. Power to accept gift.
 8. Limitation of suits against the Council, etc.
 9. Service of process
 10. Restriction on execution against property of the Council
 11. Indemnity of members etc.
 12. Citation
- Schedule



A BILL

FOR

AN ACT TO ESTABLISH LEGISLATURE AND EXECUTIVE COLLABORATIVE COUNCIL TO FACILITATE COLLABORATIVE WORKING RELATIONSHIP BETWEEN THE LEGISLATURE AND THE EXECUTIVE IN THE BUDGET PROCESS, BILL PROCESS, EXECUTION OF NATIONAL ASSEMBLY RESOLUTIONS AND FOR RELATED MATTERS

Sponsored by Hon. Bode Ayorinde

[] Commencement

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

1 1.-(1) There is established a consultative and advisory body to be
2 known as the Legislature and Executive Collaborative Council (in this Bill
3 referred to as "the Council").

Establishment
of Legislative
and Executive
Collaborative
Council

4 (2)The Council:

5 (a) shall be a body corporate with perpetual succession and a
6 common seal and may sue and be sued in its corporate name; and

7 (b) acquire, hold, mortgage, purchase and deal with property,
8 whether movable or immovable, real or personal.

9 2. The Council shall:

Objectives of
the Council

10 (a) serve as a consultative and collaborative body for the Executive
11 and the Legislature in the realisation of their Constitutional duties towards
12 good governance and development;

13 (b) foster relationship between the Executive and the Legislature to
14 ensure effective coordination between the two arms of Government; and

15 (c) facilitate the collaborative passage of Bills, Budget and
16 Execution of Resolutions.

17 3.-(1) The Council shall consist of:

Membership of
the Council

18 (a) a Chairman who shall be appointed by the President subject to

- 1 the confirmation of the Senate;
- 2 (b) a former Senator appointed by the Senate President;
- 3 (c) a former member appointed by the Speaker;
- 4 (d) the Attorney General of the Federation;
- 5 (e) the Special Assistant to the President of the Federal Republic of
- 6 Nigeria on National Assembly Matters who shall serve as the Secretary of the
- 7 Council;
- 8 (f) a Legal Practitioner of at least 10 years post call experience;
- 9 (g) Chartered Accountant or Chartered Banker of at least 10 years
- 10 post qualification experience and,
- 11 (h) a person with qualification in Political Science, Public
- 12 Administration or Economics with at least 10 years post qualification
- 13 experience.

14 (2) The members of the Council shall:

- 15 (a) each hold office for a term of 4 years only; and
- 16 (b) be paid such allowances as the Revenue Mobilisation Allocation
- 17 and Fiscal Commission may, from time to time determine.
- 18 (3) The Council shall meet at least 5 times in any calendar year and
- 19 whenever the need arises or for the conduct of its ordinary meetings.

20 (4) Notwithstanding the provision of sub-clause (3), the Council may

21 meet to conduct such other businesses as exigency demands in line with the

22 supplementary provisions contained in the Schedule to this Bill and shall have

23 effect with respect to the proceedings of the Council and other matters

24 contained.

25 (5) Subject to the preceding subsections, no person shall be qualified

26 for appointment as a Chairman of the Council or member if such person:

- 27 (a) Does not have a degree from a recognised university;
- 28 (b) Is in public office, a state officer or civil servant in Federal or State
- 29 service;
- 30 (c) Is a member of a local government authority.

1 4.-(1) A member of the Council may resign his appointment by
2 notice in writing addressed to President of the Federal Republic of Nigeria.

Resignation,
cessation or
removal from
membership of
the Council

3 (2) A member of the Council shall cease membership if the
4 member:

5 (a) lacks physical or mental capacity to perform his functions;

6 (b) becomes of unsound mind;

7 (c) becomes bankrupt; and

8 (d) is convicted of a felony, misconduct or of any offence involving
9 dishonesty.

10 (3) A member of the Council may be removed from office by the
11 appointing officer if he is satisfied that it is not in the interest of the
12 Council or public that the member should continue in that office.

13 (4) Where a vacancy occurs in the membership of the Council, it
14 shall be filled by the appointment of a successor to hold office for the
15 remainder of the term of office of his predecessor, so that the successor shall
16 represent the same interest.

17 5.-(1) The Council shall:

Functions of the
Council

18 (a) submit a copy of the resolution of the Senate or House of
19 Representatives and advise the relevant government agency on its
20 execution;

21 (b) facilitate and reconcile budget proposal from the Executive for
22 passage by the Legislature;

23 (c) facilitate and harmonise private member bills during and post
24 Legislative deliberations processes;

25 (d) facilitate Legislature and Executive collaboration on referred
26 bills, including money bills, for easy passage;

27 (e) monitor, facilitate, and oversee the development of legislation
28 and Administrative procedures required to implement the resolutions and
29 legislations;

30 (f) report at least once in a year to the Rules and Business

1 Committee and other relevant committee of the House and Senate and the
2 Presidency:

3 (i) the progress in the implementation of the resolutions and
4 legislations; and

5 (ii) any impediments to the implementation of the resolutions and
6 legislations;

7 (e) monitor Executive and private member bills to ensure they align
8 with the National Development Plan as much as practicable; and

9 (f) facilitate efficiency in legislative process through coordination of
10 Bill process to avoid duplication and repetition.

Financial
Provision

11 6.-(1) The Council shall establish and maintain a fund from which
12 shall be defrayed all expenditure incurred by the Council.

13 (2) There shall be paid and credited to the Council established
14 pursuant to sub-clause (1) of this Clause, allocation from the Executive and
15 Legislative arms of the Federal and State Governments' accounts and
16 donations.

Power to accept
gift

17 7.-(1) The Council may accept gifts upon such terms and conditions,
18 if any, as may be specified by the person or organisation making the gift.

19 (2) The Council shall not accept any gift if the conditions attached by
20 the person or organisation making the gift are inconsistent with the objectives
21 of the Council under this Bill.

Limitation of
suits against the
Council, etc.

22 8.-(1) No suit against any member of the Council, or any other officer
23 or employee of the Council for any act done in pursuance or execution of the
24 Bill or any other law or enactment, or of any public duty or authority or in
25 respect of any alleged neglect or default in the execution of this Bill or such law
26 or enactment, duty or authority, shall lie or be instituted in any court unless:

27 (a) it is commenced within 3 months next after the act, neglect or
28 default complained of; or

29 (b) in the case of a continuation of damage or injury, within 6 months
30 next after the ceasing thereof.

1 (2) No suit shall commence against a member of the Councilor
2 Employee of the Council before the expiration of a period of one month after
3 written notice of intention to commence the suit shall have been served upon
4 the Council by the intending plaintiff or his agent.

5 (3) The notice referred to in sub-clause (2) of this Clause shall
6 clearly and explicitly state the cause of action, the particulars of the claim,
7 the name and place of abode of the intending plaintiff and the relief which he
8 claims.

9 9. Any document, summons, notices, process or any other thing
10 required or authorised to be served on the Council shall be served by
11 delivering same at the office of the Chairman or Secretary of the Council.

Service of
process

12 10.-(1) In any action or suit against the Council, no execution or
13 attachment of process in the nature thereof shall be issued against the
14 Council.

Restriction on
execution against
property of the
Council

15 (2) Any sum of money which may, by the judgement of any court,
16 be awarded against the Council shall, subject to any direction given by the
17 court where notice of appeal of the said judgement has been given, be paid
18 from the general reserve fund of the Council.

19 11. Every member of the Council, agents or employees of the
20 Council shall be indemnified from fund of the Council against any liability
21 incurred in defending any proceeding brought against the persons under this
22 Bill, in the person's capacity as member, agent or employee of the council.

Indemnity of
members etc.

23 12. This Bill may be cited as the Legislature and Executive
24 Collaborative Council Bill, 2018.

Citation

1 SCHEDULE

2 *Clause 3(4)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

4 *Proceedings of the Council*5 1.-(1) Subject to the provisions of this Bill and other applicable laws,
6 the Council may make standing orders regulating its proceedings.7 (2) The Council shall meet whenever summoned by the Chairman, or
8 if required to do so, by at least 3 members of the Council and shall meet for a
9 minimum of 5 times in a year.10 (3) The Chairman shall preside over the meetings of the Council and
11 in his absence, the members of the Council shall appoint one person, from
12 among themselves, to act as the Chairman for that meeting.13 (4) The Council shall be domiciled in the office of the Secretary to
14 Federation.15 *Committees*16 2.-(1) The Council may appoint committees or sub-committees to
17 carry out, on its behalf, such functions that the Committee shall legitimately
18 carry out.19 (2) The decision of the sub-committee appointed under paragraph 2(1)
20 shall have no effect until it is approved by the Main Committee.21 *Miscellaneous*22 3.-(1) The Secretary of the Council shall be the custodian of the seal of
23 the Council.24 (2) Fixing of the Common Seal of the Council shall be authenticated
25 by the signature of the Chairman of the Council or some other persons
26 authorised to do so.27 (3) Any contract or instrument, which if made or executed by a person
28 not being a body corporate, shall not be required to be made under seal, shall be
29 executed on behalf of the Council by the Chairman of the Council or any other
30 person authorised to do so.

1 (4) Where the Council desires to obtain an expert opinion from a
2 person not being a member of the Council, the Council may co-opt such
3 person for such period the Council may determine, but the co-opted person
4 shall not have the right to vote or to count in forming a quorum.

5 (5) The validity of any proceeding of the Council or of a Committee
6 shall not be adversely affected by any vacancy in the membership of the
7 Council or Committee or by any defect in the appointment of a member of
8 the Council.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Legislature and Executive Collaborative Council to facilitate collaborative working relationship between the Legislature and the Executive in the Budget process, Bill process, and execution of National Assembly resolutions.

