

A BILL

FOR

AN ACT TO CONTROL AND REGULATE THE POWERS OF DELEGATED LEGISLATION BY BODIES SET UP UNDER AN ACT OF THE NATIONAL ASSEMBLY AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Biodun Christine Olujimi

[] Commencement

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

1 1. As from the commencement of this Act every subsidiary
2 legislation, made pursuant to the powers conferred by an Act of the National
3 Assembly to make regulations for giving effect to any Act shall not be
4 exercised and shall not come into effect except in accordance with this Act.

5 2. -(1) Accordingly every subsidiary legislation made by any Conditions
6 agency of Government in exercise of the powers conferred by an Act of the
7 National Assembly, shall not be exercised, or go into effect unless:

8 (a) a public hearing on the proposed subsidiary legislation has been
9 conducted by that agency of government during the process of formulating
10 any of such subsidiary legislation;

11 (b) a notice has been given and a publication of the proposed
12 subsidiary legislation has been made in the Federal Government Gazette
13 and two national dailies;

14 (c) the subsidiary legislation together with a report on the public
15 hearing conducted pursuant to paragraph (a) of this subsection, has been
16 presented to the Senate and the House of Representatives, through the
17 Minister charged with responsibility on matters relating to the agency of
18 government; and

19 (d) both the Senate and the House of Representatives have passed

1 an affirmative and concurrent resolution within forty days of the presentation
2 made in accordance with the provisions of the last foregoing paragraph of this
3 subsection, approving any such subsidiary legislation.

4 (2) A subsidiary legislation presented to the National Assembly in
5 terms of the provisions of Subsection (1) of this section may be altered, varied,
6 revised or rejected during consideration by either the Senate and the House of
7 Representatives, subject to concurrence by (lie other House.

8 (3) Where a subsidiary legislation has been made and presented to the
9 Senate and the House of Representatives pursuant to Subsection (1) (a) and (c)
10 of this section, and is not passed or approved within the period specified under
11 this section, the subsidiary legislation shall lapse, and may be represented at a
12 later date to the Senate and the House of Representatives, but not earlier than 6
13 months following the rejection.

Exceptions

14 3. Notwithstanding the foregoing provisions of this Act, subsidiary
15 legislations requiring the prescription of forms, notices which do not require
16 the payment of any fees, authority to make an appointment or remove a person
17 from office, proffer standards for qualification to be a member of a professional
18 occupation and to promulgate other conditions or rules or regulations relating
19 to educational and technological matters, shall not be subject to the provisions
20 of this Act.

Citation

21 4. This bill may be cited as the Control of Delegated Legislation Bill,
22 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to put in place mechanism for control and regulation of delegated legislation by bodies empowered to make regulations under acts of the National Assembly.

This is to guide against the blatant and fragrant abuse of the powers of delegated legislation.