

OFFICES OF THE LEGISLATIVE COUNSEL, FOR THE FEDERAL REPUBLIC  
OF NIGERIA (ESTABLISHMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

*Clause:*

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# A BILL

## FOR

AN ACT TO ESTABLISH OFFICES OF LEGISLATIVE COUNSEL FOR THE  
FEDERAL REPUBLIC OF NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. Ossai Nicholas Ossai*

[ ] Commencement

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

1           1. There shall be Offices of Legislative Counsel for the Executive  
2 and Legislative Arms of Government of the Federal Republic of Nigeria.

3           2.-(1) There shall be in the Federal Executive Arm of Government  
4 of the Federation to be known as the Office of the Legislative Counsel, and  
5 to be under the direction of the President of the Federal Republic of Nigeria.

Establishment  
of Offices of  
Legislative  
Counsel

6           (2) There shall be in the Senate an office to be known as the Office  
7 of the Legislative Counsel, and to be under the direction of the Senate  
8 President.

9           (3) There shall be in the House of Representatives an office to be  
10 known as Office of the Legislative Counsel, and to be under the direction of  
11 the Speaker of the House of Representatives.

12           3.-(1) The Legislative Counsel of the Federal Government of  
13 Nigeria shall be appointed by the President of the Federal Republic of  
14 Nigeria, without reference to political affiliation and solely on the ground of  
15 fitness and on merit to perform the duties of the office. Any person so  
16 appointed shall serve at the pleasure of the President of the Federal Republic  
17 of Nigeria.

Appointment of  
Legislative Counsel

18           (2) The Legislative Counsel of the Senate shall be appointed by the  
19 Senate President, while the Legislative Counsel of the House of  
20 Representatives shall be appointed by the Speaker of the House of  
21 Representatives and such appointments shall be without reference to

1 political affiliation and solely on the ground of fitness and on merit to perform  
2 the duties of the office.

3 (3) A person shall be qualified for appointment as a Legislative  
4 Counsel if:

5 (i) is a citizen of Nigeria;

6 (ii) possesses a degree in law;

7 (iii) has a Post Graduate Degree Certificate in Legislative Drafting;

8 (iv) has a minimum of Ten years post call to the Nigerian Bar;

9 (v) has had at least Eight years proven experience in Legislative  
10 Drafting;

11 (vi) has a distinguished career and experience and has demonstrated  
12 ability in the field of Legislative Drafting.

Purpose and  
Policy

13 4. The purpose of the Office shall be to advise and assist the President  
14 of the Federal Republic of Nigeria and the Presidency, the Senate and its  
15 Committees, the House of Representatives and its Committees, in the  
16 achievement of a clear, faithful and coherent expression of legislative policies.  
17 The Office shall maintain impartially on issues of legislative policy to be  
18 determined by the President or his or her representatives, the Senate and the  
19 House of Representatives, and shall not advocate the adoption or rejection of  
20 any legislation except when duly requested by the President of the Federation,  
21 the Senate President and the Speaker of the House of Representatives or a  
22 Committee of either House to comment on a proposal directly affecting the  
23 functions of the Office. The Office shall maintain the attorney-client  
24 relationship with respect to all communications between it and any staff in the  
25 Presidency or the Senator or the House of Representatives.

Duration of  
Office

26 5. The Legislative Counsel of the Government of the Federation, the  
27 Senate and the House of Representatives shall hold office for four years subject  
28 to re-appointment for another four years.

Functions of the  
Office of  
Legislative  
Counsel

29 6.-(1) The office of the Legislative Counsel shall aid in drafting public  
30 bills and resolutions or amendments thereto on the request of the President of

1 the Federal Republic of Nigeria or any of his or her representative or Federal  
2 Government Ministries, Departments and Agencies, but the President of the  
3 Federal Republic of Nigeria will approve and determine the preference, to  
4 be given to any of such requests.

5 (2) The office of the Legislative Counsel shall aid in drafting public  
6 bills and resolutions or amendments thereto on the request of the Senate  
7 President or any Committee of the Senate, but the Senate President will  
8 approve and determine the preference, if any, to be given to such requests of  
9 the Committee of the Senate.

10 (3) The office of the Legislative Counsel shall aid in drafting public  
11 bills and resolutions or amendments thereto on the request of the Speaker of  
12 the House of Representatives or any Committee of the House of  
13 Representatives, but the Speaker of the House of Representatives will  
14 approve and determine the preference, if any, to be given to such requests of  
15 the Committee of the House Representatives.

16 (4) The Office of the Legislative Counsel shall serve as the quality  
17 assurance and control unit of the Office of the Clerk to the National  
18 Assembly for the purpose of registration, gazetting, engrossment and  
19 enrolment to ensure quality legislation of bills in the National Assembly.

20 (5) The Legislative Counsel shall, from time to time, prescribe  
21 rules and regulations for the conduct of the work of the Committees of the  
22 Senate and the House of Representatives, subject to the approval of the  
23 Senate or the House Representatives as the case may be.

24 (6) The Legislative Counsel shall perform the duties of draftsmen  
25 and legislative drafting services of the Federal Executive Arm of  
26 Government, the Senate and the House of Representatives on a non-  
27 partisan, impartial and confidential basis.

28 (7) Providing advice (including advice on form and procedure) on  
29 drafts of bills, resolutions, amendments etc.

30 (8) Providing advice on constitutional, legal and technical

1 problems in status, proposed legislation, reports and explanatory statements  
2 accompanying proposed legislation.

3 (9) Drafting bills reported by Committees of the Senate and House of  
4 Representatives and Conference reports for House and Senate Conference  
5 Committees.

6 (10) The Legislative Counsel shall perform such other functions that  
7 may be assign to it by the President of the Federal Republic of Nigeria, the  
8 Senate President or the Speaker of the House of Representatives.

Staff and  
Administration

9 7.-(1) Not more than three employees in the office of the Legislative  
10 Counsel of the Executive Arm of Government or Senate or House of  
11 Representatives may be designated as Senior Counsel.

12 (2) The Legislative Counsel may, subject to the approval of the  
13 President of the Federal Republic of Nigeria or Senate President or Speaker of  
14 the House of Representatives, designate one of the Senior Counsel appointed  
15 as Deputy Legislative Counsel.

16 (3) The Deputy Legislative Counsel shall perform the functions of the  
17 Legislative Counsel during the absence or disability of the Legislative  
18 Counsel, or when the office is vacant.

19 (4) The Legislative Counsel shall, subject to the approval of the  
20 President of the Federal Republic of Nigeria or Senate President or the Speaker  
21 of the House of Representatives employ such assistant counsel, clerk and other  
22 employees, and purchase of such furniture, office equipment, books,  
23 stationary, and other supplies as may be necessary for the proper performance  
24 of the duties of the office and as may be appropriated for by the National  
25 Assembly.

Appropriations  
and Expenditure

26 8.-(1) All appropriations for the Office of the Legislative Counsel to  
27 the President of the Federal Government, the Senate and the House of  
28 Representatives shall be appropriated by the National Assembly.

29 (2) The Legislative Counsel shall, subject to the approval of the  
30 President of the Federal Republic of Nigeria or Senate President or the Speaker

1 of the House of Representatives make such expenditure as may be necessary  
2 or appropriate for the functioning of the Office of the Legislative Counsel of  
3 the Executive Arm of Government, the Senate and the House of  
4 Representatives.

5 (3) All appropriations for the Office of the Legislative Counsel for  
6 the Government of the Federation shall be disbursed by the President or his  
7 representative.

8 (4) All appropriations for the Office of the Legislative Counsel in  
9 the Senate or House of Representatives shall be disbursed by the clerk of the  
10 House or the Senate.

11 9.-(1) Funds expended by the Legislative Counsel of the  
12 Government of the Federation for travel and related expenses shall be  
13 subject to the approval of the President of the Federal Republic of Nigeria.

Travel and  
Related Expenses

14 (2) Funds expended by the Legislative Counsel of the Senate or  
15 House of Representatives of the Federal Republic of Nigeria for travel and  
16 related expenses shall be subject to the same regulations and limitations {in  
17 so far as they are applicable) as those which the Senate or House of  
18 Representatives prescribes for application to travel and related expenses for  
19 which payment is authorized to be made from the fund of the Senate or  
20 House of Representatives of the Federal Republic of Nigeria.

21 10. In this Act, unless the context otherwise requires:  
22 "Legislative Counsel" means Draftsmen who performs Legislative Drafting  
23 Service.

Interpretation

24 11. This Bill may be cited as the Offices of the Legislative Counsel  
25 Bill, 2019.

Citation

## EXPLANATORY MEMORANDUM

This Bill seeks to establish Offices to provide advice and assist the Federal Government of Nigeria on the one hand and the National Assembly of Nigeria (Senate and House of Representatives) on the other hand, in the achievement of an independent, systematic, simple, clear, coherent and professionalism in the drafting of legislation and bills. The Offices shall maintain impartiality as to issues of legislative policy to be determined by the relevant authorities of the Federal Government of Nigeria through the Federal Executive Council, and shall not advocate the adoption or rejection of any legislation except when duly requested by the President of the Federal Republic of Nigeria as Chairperson of the Federal Executive Council or his or her representative to comment on a proposal directly affecting the functions of the Offices.

The Office of the Legislative Counsel for Engrossment and Enrolment of Bills of the National Assembly shall serve as the quality assurance and control unit of the Office of the Clerk to the National Assembly for the purpose of ensuring quality legislation and a register of bills as stipulated under Section 5 of the Acts Authentication Act, 1961.

The Offices shall maintain a politically neutral, attorney-client relationship with respect to all communications between itself and the President of the Federal Republic of Nigeria or a duly designated representative of any Member of the Federal Executive Council on the one hand and the members and leadership of the National Assembly on the other hand.