

CHAPTER 105
LEGISLATIVE STAFF LAW

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CHAPTER 105

LEGISLATIVE STAFF LAW

A Law to prescribe the staff of the Enugu State House of Assembly and the method of appointment of the Clerk and other staff of the House and to provide for incidental matters.

ANSI. Cap 80

[27th August, 1991]

- 1. This Law may be cited as the Legislative Staff Law .
- 2. In this Law—

Short title

Interpretation

“appointment” means, appointment of a person to an office of emolument in the House whether or not subject to subsequent confirmation and includes. acting or probational appointment and appointment on promotion;

“clerk” means Clerk of the House;

"civil service" means the service of the Government of the State in civil capacity as staff of the office of the Governor or of a Ministry or Department of Government of the State assigned with responsibility for any business of the Government of the state;

“committee” means a committee to whom power of the House shall be delegated in accordance with section 9 of this Law;

“Constitution” means constitution of the Federal Republic of Nigeria;

“disciplinary control” of includes and power to dismiss or surcharge;

“legislative service” means service of the House in civil capacity as staff of the departments of the House assigned with responsibility for any business of the House; of the House to serve, or work directly under, the Speaker and the other members, as the case may be;

“promotion” means the conferment, of an office upon a member of staff of the House to which is attached a higher salary or a higher salary scale than that attached in the office to which he was last substantively appointed;

Legislative Staff

“Public officer” means an officer in the public service of the State;

"Public service of the State" has the meaning assigned to it by the Constitution:

"service" means service as a member of staff;

"Speaker" means Speaker of the House;

"special assistant" means such staff of the House, not entitled to pensions or gratuity as may be appointed by the Speaker or any other member. as the case may be, in accordance with the estimates relating to the offices of such members of staff so appointed who shall vacate office along with the speaker or any other member, as the case may be who appointed them:

"Staff means the staff of the House and includes the Clerk:

Staff of the
House

“State” means Enugu State of Nigeria.

3. Staff other than the Clerk shall be as prescribed in the Schedule hereto

Chief
Executive

4. The speaker shall be the chief Executive of the House.

Appointment
of staff

5. Power to appoint persons to hold or act in the office of Clerk and the offices to which section 3 applies (including power to make appointment, promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the House.

Personal
Staff

6. Notwithstanding section 5 of this Law; the speaker shall have the power to choose his personal staff and to appoint his special assistants .and the Sergeant-at-arms: and the Deputy Speaker and any other member so affected shall exercise the same power with respect to his personal staff and special assistants.

Function and
resignation
of Clerk

7. (1) The Clerk shall be the head of the legislative service.

(2) The Clerk shall not resign his appointment, retire or withdraw his services during the period of dissolution of the House.

Remuneration

8. The House may prescribe the remuneration, grading and other terms and conditions of service of the staff not less favourable than those obtainable in the State civil service.

9. The House shall delegate to a Committee of the House of which the Speaker shall be the Chairman its power relating to the appointment, promotion, transfer, interdiction or disciplinary control of staff.

Delegation

(2) The Committee may delegate to the Clerk, on such terms and conditions as it may deem fit -

(a) its power to appoint and promote certain categories of staff

(b) its power to, interdict, dismiss and exercise disciplinary control over such staff

Provided that any decision of the Committee to dismiss the Clerk shall not have effect unless it is confirmed by a resolution of the House by the votes of not less than simple majority of all members of the House.

(3) For the avoidance of doubt, the House shall, where any of its powers are delegated under this section, retain the ultimate responsibility for all matters relating to appointment, dismissal and other disciplinary control for members of staff.

Power to
refer a person
or committee

10. Without prejudice to the generality of section 9 of this Law, the House may (either generally or specifically) in its discretion, as the case to person

may be, refer to the Committee to whom power is delegated under section 9 or to the Committee. Speaker or Clerk—

(a) matter relating to the appointment or employment of a person by the House or the dismissal or disciplinary control of a person appointed or employed by the House, or

(b) other matters that affect the appointment. employment or disciplinary control generally of tire staff of the House;

and the Committee, the Speaker or the Clerk, as the ease may be. may dispose of such matter if it is within lite delegated power, or shall advise the House on any such question in accordance with this section.

Seconded or
posted staff

11 (1 j A member of the civil service of the State seconded or posted to the House may elect, subject to the approval of the Speaker, after Consultation with the Clerk or the Committee, as the case may be —

(a) to be transferred and to become a staff of the House or

(b) to remain in the service of the House as a civil servant under the state civil service commission.

(2) Without prejudice to subsection (1) above the House may on the recommendation of the Clerk or the Committee, as the case may be required, a member of the civil service of the State posted or seconded to the House to be desecoded or reposted, as the case may be, if it is expedient to do so in the interest of the service.

Transfer and
secondment
of staff

12(1) A staff of the House may elect to be transferred or seconded to any other department of the State public service or to the public service of the Federation or to any other State public service and the House shall ensure that such right of transfer or secondment does not operate in any way to the disadvantage or detriment of the staff concerned.

(2) Where a public officer is transferred to the House, any previous service in the public concerned shall count as service for the purpose of pension subsequently payable by the House.

Misconduct

13. (I) The Committee shall enquire into every case in which it is alleged that a member of staff has committed misconduct or has been convicted of a felony or misdemeanor and upon proof of any such allegation, shall take such disciplinary action against such member of staff as is prescribed by this Law.

(2) Any report of misconduct of whatever nature against a member of staff, and any report that such member has been convicted of a felony or misdemeanor, shall in first instance be transmitted-

(a) to the Speaker in the case of the Clerk and

(b) to the Clerk in the case of any other member of staff and the Speaker or the Clerk as the case may be shall refer the matter to the committee unless such matter is written the delegated power of the Clerk.

Regulations

14. The House may make regulations providing for the procedure be followed by the House or the Clerk or any Committee appointed by the House in the exercise of its disciplinary functions

Power of
the House

15 For the purpose of any disciplinary proceedings under this Law. The House (or the Committee or the Clerk, as the case may be. acting within the delegated power shall have power—

(a) to procure such evidence and to examine all such witnesses as it or he. as the case may be. may think necessary;

(b) to require the evidence of any witness to be made on oath, the oath being such as would be required of the witness if he were giving evidence in a magistrate's court.

(c) to issue a warrant to compel the attendance of any person who. after been summoned to attend,

fails to do so and does not explain such failure to the satisfaction of the House, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons.

16. At the conclusion of such proceedings in any disciplinary inquiry, the House (or the Committee or the Clerk acting within the delegated power may take such action as is permitted by this Law

Decision of
the house etc.

Offences

17 (1) Any person who makes any false statement or makes or utters any false document to the House (or to the Clerk or the Committee acting within the delegated power) in the course of any disciplinary proceedings under this Law is guilty of an offence and shall be liable, on conviction to imprisonment for six months or to a fine of two hundred naira or to both such fine and imprisonment.

(2) Any person who. without reasonable excuse. refuses or neglects to

appear before, or to produce an official document or other things

possession or to answer any. question put to him by. the House (or the Committee or the Clerk acting within the delegated power is guilty of an offence and shall be liable, on conviction. to imprisonment for six months or to a fine of two hundred naira or to both such fine and imprisonment

18. A member of staff acquitted on a criminal charge for an offence or given a discharge, whether amounting to an acquittal or not. by any court of Law may be dismissed or otherwise penalized by the House in accordance with the provisions of this Law for his conduct in the matter in respect of which the charge was made, if the House is satisfied in the State; and accordingly-

a) that such conduct has been in any respect blameworthy; or

Acquittal not
a bar to
disciplinary
proceedings

(b) that it is necessary in the public interest that he be so penalized

19. As from the commencement of this Law the provisions contained in any regulations or rules to discipline of members of staff or contained in any contract or arrangement or in any other instrument whatsoever shall be construed with such modifications, omissions or alterations, as may be necessary to give effect to this law

20. Where a complaint against any staff relates to-

- (a) the commission by the staff of a misconduct;
- (b) the conviction of the staff of a felony or misdemeanor the disciplinary measures that the Committee may take upon the report being proved may include -
- (i) the dismissal of the staff from his employment:
- (ii) compulsory retirement of the staff,
- (iii) suspension of the staff from exercising the function of his office for a period not exceeding two years;

Provisions in
regulating
rules or
conduct to be
construed with
modification

Complaint
against
staff

(iv) reduction of the staff in rank:

(v) Withholding or deferring of the increment of the staff for a period not exceeding one year.

(vi) the imprisonment or surcharge on the staff

(vii) any other measure which the Committee may consider appropriate in the circumstances of any particular case.

interdiction

21. (1) If in any case the Committee considers that the public interest so requires, it may interdict a staff from the exercise of his function: Provided that such interdiction shall not be carried out unless disciplinary' proceedings are or are about to be taken or that criminal proceedings are being instituted against him,

(2) A staff who is interdicted shall be paid such part of his salary and emolument, not being less than one half, as the Committee may think fit

(3) Where a staff is interdicted pursuant to subsection (1) and the disciplinary proceedings against the staff do not result in dismissal or other punishment, such staff shall thereafter be entitled to the full salary and emolument which but for the interdiction he should have received.

(4) Where the punishment is other than dismissal, he may be refunded such proportion of the emoluments withheld as a result of his interdiction as the Committee may think fit.

22. (I) The- Committee may make regulations with respect to staff of the House and, in particular but without prejudice to the generality of the foregoing, may by such regulations provide for —

Regulations

(a) appointment, probation and confirmation of appointment and increment of staff;

(b) subject to section 8 of this law. the terms and conditions of service of staff shall not be less favourable than those obtainable in the State civil service;

(c) the procedure for promotion;

(d) subject to section 14, the maintenance of discipline (including dismissal and termination of appointment) and the procedure to be followed by disciplinary matters;

(e) such other matters as the Committee considers may best be regulated by regulations for the purposes of this Law.

(2) In so far as they relate to discipline, the regulations may, for example, provide for-

(a) withholding or deferring of increment, or reduction in rank or salary, either permanently or for a stated period; and

(b) the deduction from salary due, or about to become due, of such sum as may be appraised in respect to damage to property of the home or Government by misconduct or by breach of duty on the part of staff.

(3) Regulations made under this section may –

(a) provide for the delegation of the power of the House if not otherwise provided for by this Law;

(b) be given retrospective effect

(4) Any regulations made in accordance with this section shall be laid before the House.

23(1) Notwithstanding anything in any Law to the contrary, service in the House shall be public service for the purposes of the Pension Law or any other Law or Act superseding the Pensions Law and having effect in the state, and accordingly staff of the House shall in respect of their services in the House be entitled to such pension, gratuities and other retiring benefits as are prescribed by any Law or Act in the State.

Pensions

(2) Nothing in the foregoing provisions of this section shall prevent the appointments of a persons to any office in the House on terms which preclude the grant of a pension or gratuity in respect of service in the office

24. All persons appointed to offices established in the House by this Law except those posted or seconded from the civil service of the state shall be deemed to be validly appointed to such

offices whether or not the appointment of such persons was made by a person or authority having power to do so under this Law.

SCHEDULE

(Section 3)

STAFF OF THE HOUSE OTHER THAN THE CLERK

1. Legislative staff
2. Accounts staff
3. Legislative drafting staff
4. Administration staff
5. Library staff
6. Official report staff
7. Research staff
8. Internal Audit staff
9. Catering staff
10. Printing staff
11. Store staff
12. Chamber staff
13. Other staff