

# CHAPTER K26 - KWARA STATE HOUSE OF ASSEMBLY SERVICE COMMISSION LAW

## ARRANGEMENT OF SECTIONS

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### SCHEDULE

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[No. 3 of 2003.]

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**KWARA STATE HOUSE OF ASSEMBLY SERVICE COMMISSION LAW**

A Law to provide for the establishment of the Kwara State House of Assembly Service Commission and to empower the commission to appoint the Clerk and other staff of the House of Assembly and for purposes connected therewith.

[KWS 5 of 1980, KWS 6 of 1981, No. 3 of 2003.]

[Date of commencement: *2nd October*, 1979]

1.     **Short title**

This Law may be cited as the Kwara State House of Assembly Service Commission Law, 1980.

2.     **Interpretation**

In this Law, unless the context otherwise requires—

"**Chairman**" means the Chairman of the Commission;

"**Clerk**" means the Clerk to the House, appointed pursuant to section 9 of this Law;

"**Commission**" means the Kwara State House of Assembly Service Commission established pursuant to section 3 of this Law;

"**House**" or "**House of Assembly**" means the House of Assembly of Kwara State of Nigeria;

"**Member**" means any member of the Commission appointed pursuant to section 4 of this Law, including the Chairman;

[KWS 6 of 1981.]

"**Speaker**" means the Speaker of the House;

**"State"** means the Kwara State of Nigeria.

### **3. Establishment of the Kwara State House of Assembly Service Commission**

(1) There is hereby established a body to be known as the Kwara State House of Assembly Service Commission (hereinafter referred to as "the Commission"), and it shall have and exercise the powers conferred on it by this Law.

(2) The Commission shall be a body corporate and shall have power to sue and be sued in its corporate name.

### **4. Membership of the Commission**

(1) The Commission shall consist of a Chairman and four other members to be appointed on a part time basis by the Governor subject to the approval of the House of Assembly.

[KWS 6 of 1981, No. 3 of 2003.]

(2) Where the Governor fails to appoint members of the Commission in line with the provisions of subsection (1) of this section thirty days after the expiration of the term of the previous Commission and failure of the Governor to communicate reasons for his inability to appoint within thirty days, the House Committee on Selection shall appoint members of the Commission subject to confirmation by a resolution of the House of Assembly.

Provided that where the Governor fails to appoint the first members of the Commission thirty days after commencement of this Law, the provisions of this subsection shall apply.

[No. 3 of 2003.]

### **5. Functions of the Commission**

(1) Except for the Office of the Clerk, power to appoint persons to hold or act in the offices specified in the Schedule hereto (including power to make appointments on 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 Commission.

[Schedule.]

(2) Subject to the provisions of this Law, the Commission shall determine the number, remuneration and other terms and conditions of service of staff employed in the House, and accordingly, the Commission may, by order, increase, reduce or vary the strength and categories of the staff specified in the Schedule hereto as the service in the House may from time to time require.

[No. 3 of 2003.]

(3) The Commission shall be charged with the responsibility for promoting the development and training of staff of the House for the smooth and efficient discharge of the general administration of the House, and may for that purpose sponsor any member of staff of the House for a course of training within or outside Nigeria.

[No. 3 of 2003.]

(4) Without prejudice to the generality of the provisions of this section, the Speaker may exercise the right to recommend to the Commission person to be appointed as Sergeant-at-Arms and such other staff as the Commission may from time to time deem expedient to attach to the office of the Speaker, and the Deputy Speaker may also exercise similar right in respect of staff attached to the office of the Deputy Speaker.

[No. 3 of 2003.]

(5) All orders made pursuant to subsection (2) of this section shall be laid before the House for approval.

[No. 3 of 2003.]

**6. Tenure of office of members**

(1) A member shall hold office for a period of three years and may be re-appointed for another three year term.

[KWS 6 of 1981.]

(2) Notwithstanding the provisions of subsection (1) of this section, the Governor of the State shall, upon a resolution of the House supported by a simple votes, remove any member from office on account of his inability to discharge the functions of his office (whether arising from infirmity of mind or body or from other cause) or for misconduct.

[No. 3 of 2003.]

(3) Where a vacancy exists in the membership of the Commission, all the relevant provisions relating to appointment of members as contained in section 4 of this Law shall apply.

**7. Proceedings of the Commission and quorum**

(1) At any meeting of the Commission, the Chairman shall preside, and in his absence, the other members present shall elect for the time being a person to be chairman from amongst themselves.

[KWS 6 of 1981.]

(2) The quorum for a meeting of the Commission shall be a chairman presiding pursuant to the provisions of subsection (1) of this section and not less than two other members.

[No. 3 of 2003.]

(3) The Commission shall have power to regulate its own proceedings

and subject to the provisions of subsection (2) of this section, may function notwithstanding any vacancy in its membership.

(4) The Commission may co-opt persons who are not members of the Commission to any of its meetings and such persons co-opted may take part in the deliberations of the Commission but shall not be entitled to vote at any such meetings.

## **8. Commission may delegate its power**

(1) Subject to the provisions of subsection (1) of section 5 of this Law, the Commission may delegate its power of appointment, promotion, dismissal or discipline of staff not above grade level 06, to a committee to be known as the Appointments Committee which shall comprise all the sectional heads of the Legislative Service with the Clerk to the House as Chairman.

(2) Any decision of the Appointments Committee under this section shall not have effect until it has been ratified by the Commission.

## **9. Appointment of Clerk to the House**

(1) There shall be a Clerk to the House who shall be the head of the Legislative Service and the accounting officer.

(2) The Clerk shall be appointed by a resolution of the House and his terms and conditions of service shall be determined by the House.

(3) The Clerk shall not be removed from office except on the recommendation of the Commission supported by a resolution of the House for his removal on account of his inability to discharge the functions of his office (whether arising from infirmity of mind or body or from other cause) or for misconduct.

(4) The Clerk may resign his office by giving not less than three months notice in writing to the Speaker of the House or by paying three months salary in *lieu* of notice.

## **10. Duties of the Clerk to the House**

(1) The Clerk shall be charged with the responsibility for—

- (a) the general administration of the Legislative Service in the House, and he shall be responsible in the discharge of his duties to the Speaker of the House;
- (b) receiving and processing all bills presented to the House;
- (c) presenting all bills passed by the House to the Governor for assent;
- (d) promulgating laws passed by the House and assented to by the Governor;
- (e) keeping records and documents of the House; and
- (f) doing or causing to be done such other duties as the House may by resolution assign to his office.

(2) The House shall prescribe oaths to be subscribed to by the Clerk of the House or by any other staff of the House.

## **11. Power to make staff regulations**

Subject to the provisions of this Law, the Commission may with the approval of the House make regulations relating generally to the conditions of

service of the staff of the House and without prejudice to the generality of the foregoing such regulations may provide for—

- (a) the qualifications required for appointment;
- (b) the appointment, resignation of appointment, promotion and disciplinary control (including dismissal) of staff of the House of Assembly;
- (c) the terms and conditions of service (including the salaries and allowances, the provision of quarters, leave, vehicle and housing loans and medical services);
- (d) the secondment or transfer of staff between the House and any pensionable service in Nigeria;
- (e) such other matters relating to departmental procedure and duties and responsibilities of employees as the Commission considers can be best provided for by regulations.

## **12. Pensions**

(1) Notwithstanding the provisions of the Pensions Law in force in the State, it is hereby declared that service in the Kwara State House of Assembly shall be public service for the purposes of that Law and accordingly the Clerk and other staff of the House of Assembly shall in respect of their service in the House be entitled to such pension, gratuities and other retirement benefits as are prescribed thereunder.

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



### **13. Transitional provisions**

(1) The Commission may, with the consent of any person deployed from the civil service of the State to the service of the House before the coming into force of this Law treat the service of the person in the civil service of the State as transferred or seconded to the service of the House, and accordingly, the period of service of such person in the civil service of the State shall be counted and regarded for pension purposes as continuous with the period of his service in the House.

(2) The complementing grading and salary of staff of the House shall compare favourably with those prevailing in the State civil service, and the Commission may, having regard to the peculiar services required by the House of Assembly, grant such incentives as overtime payments, duty allowance, annual leave, staff quarters, vehicle and housing loans to officers and staff of the House in appropriate cases.

(3) Any salary, overtime payment or allowance approved by the Commission for a person deployed to the House before the coming into force of this Law shall be with effect from the date the Commission may determine.

(4) All persons directly employed in the service of the House before the coming into force of this Law shall be treated for all purposes as if they have been employed by the Commission in accordance with the provisions of this Law.

(5) Any staff of the House may elect to transfer or be seconded to any other public service in the Federation.

### **14. Tenure of staff**

The tenure of office of all staff appointed under this Law is hereby guaranteed not withstanding any change in government of the State.

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## SCHEDULE

[Section 5 (2).]

*Kwara State House of Assembly*

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[No. 3 of 2003.]

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## CHAPTER K26

## KWARA STATE HOUSE OF ASSEMBLY SERVICE COMMISSION LAW

### SUBSIDIARY LEGISLATION

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No Subsidiary Legislation

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