

LEGISLATIVE DRAFTING ENACTMENT PROCESS IN THE NATIONAL ASSEMBLY: POLICY, DRAFTING STAGES, AND INSTITUTIONAL SETBACKS

By

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ABSTRACT

This article critically examines the technical intricacies of legislative drafting and the enactment process within Nigeria's National Assembly, referencing the constitutional mandate under Section 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered). It clarifies the separation of powers by emphasizing the Legislature's crucial role in transforming policy into enforceable laws that promote peace, order, and good governance. Key focus areas include the definition and classification of Bills (Public, Private, Members', and Private Members' Bills) and their diverse sources of proposal (Executive, Legislators, Judiciary, private entities, and international treaties). The core discussion draws on G.C. Thornton's five-stage model of legislative drafting Understanding Instructions, Analysis, Design, Composition, and Scrutiny to highlight drafting conventions, Bill structure (Preliminary, Principal, Miscellaneous, and Final provisions), and the principles of effective drafting (Accuracy, Brevity, Clarity). The study identifies institutional setbacks such as inadequate instructions, political pressures, and limited public participation. It concludes with recommendations for establishing dedicated Bill Scrutiny and Analysis offices and implementing periodic law reviews to enhance institutional capacity. Ultimately, the article advocates for clear, constitutional, and coherent legislation to mitigate judicial interventions and ensure democratic efficacy within Nigeria's federal system.

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1.1 Introduction

Under Nigeria's prevailing Constitutional and Democratic framework, the primary mandate of the National Assembly and State Houses of Assembly is to enact legislation for the peace, order, and good governance of the Federation. Since Nigeria operates a Federal System of Government, it is governed by the doctrine of the Separation of Powers, where the Executive, Legislative, and Judicial arms of Government each carry out distinct and clear functions as stipulated in the Constitution of the Federal Republic of Nigeria, 1999 1999 (as altered).

The process of legislative enactment fundamentally comprises three stages: first, the formulation of the basic policy that necessitates an Act of Parliament; second, the research undertaken by the Bill's sponsors; and third, the technical aspect, which is the drafting of the Bill itself.¹ This article, will focus specifically on this technical dimension of law-making, commencing its analysis with the powers outlined in Section 4.² The core duty of the Legislature is to make laws for the federation's peace, order, and good governance.

This article concentrates primarily on the technical aspects of drafting, focusing on the structured steps and stages that transform policy into legislative text. Legislation serves as a critical mechanism through which governments initiate social and economic reform and define rules of conduct. Therefore, a profound understanding of the legislative process which must be consistently documented and strictly adhered to by the Legislature is essential for every citizen. The initiation of this process involves both the Legislature and the Executive, who are responsible for developing the proposed statutory scheme and drafting the rules to give it legislative effect.

The National Assembly exercises this power through the passing of Bills, as established in Section 58(1) of the CFRN 1999.³ "The powers of the National Assembly to make laws shall be exercised by Bills passed by both the Senate and House of Representatives, and except as otherwise provided in subsection (5)⁴ of this section assented to by the president".

Legislation can refer both to a single law or a collection of laws, and it encompasses Acts of Parliament and subordinate (or delegated) legislation made thereunder.⁵ The National Assembly is empowered to legislate on all matters contained in the Exclusive Legislative List, the Concurrent

¹ Ray Esebagbon, *The Nigerian Legislative Process* (Law-Link Consults 2005) 75.

² Constitution of the Federal Republic of Nigeria, 1999 (as altered).

³ Ibid

⁴ S. 58 (5) of the Constitution of the Federal Republic of Nigeria, 1999 (as altered)

⁵ D.T. Adem, *Legislative Drafting: Mathematics & Other Devices* (Lexis-Nexis 2013) 1.

Legislative List, and any other matters where it is so empowered in accordance with Section 4.⁶ Similarly, the House of Representatives holds the authority to make laws on matters in the Concurrent Legislative List and other specified areas under Section 4.⁷ Legislation is therefore law enacted by a body a legislature, parliament, or congress vested with the constitutional authority to do so.⁸ Section 4⁹ of the Constitution vests legislative powers in the National and State Houses of Assemblies, granting them express powers to legislate.

The legislative powers of government are vested in the legislatures. Law-making is recognised as one of the three main functions of government delineated by the doctrine of the separation of powers.¹⁰ The two basic activities of a legislative assembly are representation and the consideration of Bills. It is imperative that every Legislature diligently documents its proceedings and strictly adheres to the laid-down legislative processes.¹¹ Legislation serves as a medium through which social and economic changes are instituted and is a primary mechanism for governments to respond to societal needs. In Nigeria, legislation is a source of rules that define and control conduct, often justifying intervention by state institutions.¹² This article focuses specifically on the techniques involved in preparing and drafting Bills. The initiation of the legislative process rests with the Legislature and the Executive, as both are responsible for developing the proposed statutory scheme and drafting the rules necessary to give the scheme legislative effect.

2. What is A Bill?

The term "Bill" possesses varied meanings, the interpretation of which depends entirely on its context. In the legislative domain, a Bill is a critical document formally introduced to an assembly to propose a new law or to modify existing ones.

Several scholars and legal texts define a Bill as; A formal document initiated by the Executive, the Judiciary (specifically the Chief Justice of Nigeria), or a member of parliament that seeks to effect

⁶ Supra n2.

⁷ Ibid

⁸ Supra n4

⁹ Constitution of the Federal Republic of Nigeria, 1999 (as altered)

¹⁰ D.T. Adem, *Ultra Vires and New Grounds for Judicial Review* (Lexis-Nexis 2013) 5.

¹¹ M.D. Hassan, 'A Paper presented at a Training Workshop on Drafting of Motions, Lead Debates/Briefs of Argument, Bill Scrutiny and Analysis organised by the National Institute for Legislative Studies, Plot 2824, Danube Street, Off IBB Way, Maitama, Abuja' (Paper presented at the NILS Training Workshop 29–31 October 2014).

¹² Sylvester S. Shikyil, 'Communicating Policy through Legislation' (n.d.) 1(1) (Nigerian Journal of Legislative Affairs, Policy Analysis and Research) 112.

changes to existing law, repeal an old law, or enact a new one.¹³ A written suggestion for a new law presented to a country's parliament for discussion, approval, or rejection.¹⁴ A draft law before the legislature, which is designated as an Act once passed into law. Bills may be Public (relating to the general country) or Private (relating to a specific person or group).¹⁵ A legislative proposal offered for debate before its enactment.¹⁶ A Bill can be conceptualized as an essay in communication through which the drafter communicates legislative intention to the general public. As a form of writing, it requires the acceptance and adoption of specific legislative conventions and formats. The technical function of drafting Bills is typically performed by specialists known in Nigeria as Legislative Counsel (or parliamentary counsels/legal draftsmen in other jurisdictions).¹⁷ Ultimately, a Bill is a legislative proposal document introduced to the National Assembly by any interested party for debate and approval, with the aim of becoming law. All legislative proposals must come before the Assembly in the form of a Bill; this presentation marks the first crucial stage in the law-making process, setting the stage for activities that may or may not result in its final passage.¹⁸

A Bill is a legislative proposal presented to the National Assembly for debate and approval before it can become law (an Act). It is essentially a legal essay in communication, through which the drafter communicates legislative intent to the public and implementing agencies. A Bill is a formal draft of a proposed law seeking to effect changes to, repeal, or enact new legislation. While the term "Bill" has varied usages, its essence in a legislative context is a formal, written suggestion for a new law.¹⁹ The drafting of a Bill is typically performed by specialists known as Legislative Counsel (or Parliamentary Counsels/Legal Draftsmen in other jurisdictions) who must adhere to specific drafting conventions and the format required of a legislative instrument.

2.1 Sources of Bills in Nigeria

The sources of legislative proposals or Bills in Nigeria are broadly consistent with those in other democratic jurisdictions. These proposals primarily emanate from four main institutional categories are:

¹³ D.T. Adem, *Understanding Bills* (Lexis-Nexis 2014) 92.

¹⁴ A.S. Horn, *Oxford Advanced Learner's Dictionary of Current English* (Oxford University Press 2006) 133.

¹⁵ Suleiman Ismailla Nchi, *The Nigerian Law Dictionary* (Green World Publishing Company Limited 2000) 82.

¹⁶ Bryan A. Garner, *Black's Law Dictionary* (9th edn, West Publication Co 2009) 186.

¹⁷ D.T. Adem, *Legislative Drafting: Mathematics & Other Devices* (Lexis-Nexis 2013) 19.

¹⁸ Bias A. Dorsey, *Legislative Drafter's Deskbook: A Practical Guide* (The Capitol Net 2006) 158.

¹⁹ Ray Esebagbon, *The Nigerian Legislative Process* (Law-Link Consults 2005) 46.

1. **A legislator-** legislator, either a Senator or a Member of the House of Representatives, is mandated to make laws for the peace, order, and good governance of Nigeria. A legislator's motivation to enact a law may stem from political campaigns (fulfilling promises) or forward-looking policy missions. A Bill introduced or initiated by an individual legislator in the National Assembly is formally designated as a "Member's Bill".
2. **The Executive** - Executive Arm of Government is the most prolific source of legislative proposals. Information indicates that the majority of Bills debated by the Legislature are initiated by the Executive, with most contents emanating from responsible Ministers or other government officials. This is because the Executive is primarily responsible for establishing the general policy framework of the government.²⁰ It has been observed that, since the return to democracy in 1999, only a minimal number of Private Members' Bills (Bills not sponsored by the Executive) have successfully been passed into law by the National Assembly.
3. **The Judiciary** - Bills may also originate from the Judicial Arm of Government. However, Bills from this source are notably scarce, as the primary role of the judiciary is interpreting laws. Typically, judicial input results from judges making comments, suggestions, or identifying lacunae in existing laws during the process of interpretation, which subsequently informs the need for new legislation.
4. **Private Individuals/Interest Groups or Associations** - This category consists of organizations and professional associations whose primary objective is to protect the interests of their members or to effect social change. Examples include the Nigerian Bar Association (NBA), the Nigerian Medical Association (NMA), and various Labour Unions. A significant historical example is the Freedom of Information Bill, which was championed by the Nigerian press and civil society groups, introduced to the National Assembly in 2007, and eventually passed into law and assented to by the President in 2011.
5. **Implementation of International Agreements and Treaties** - A final crucial source is the need to implement international agreements. This is mandated by Section 12(1),²¹ which stipulates that no treaty entered into by Nigeria shall have the force of law unless it is enacted into law by the National Assembly.²²

²⁰ Y. Y. Dadem, 'Connecting Legislative Drafting and Law Reforms: Lessons for the Draftsman' (2009) 2(2) Kogi State University Bi-Annual Journal of Public Law (KSU – BJ) 238.

²¹ Constitution of the Federal Republic of Nigeria, 1999 (as altered)

²² Constitution of the Federal Republic of Nigeria, 1999 (as altered).

2.2 Classification of Bills

There are basically two types of bills to wit;

- (1) **Public Bills** - Public Bills are applicable to the general community or public. In Nigeria, public bills are called Executive or Government Bills; they are initiated by the President, Chief Justice of Nigeria or other government officials.²³ The president forwards the proposals in the form of a draft bill under a covering letter to both the Senate President and the Speaker of the House of Representatives. Similarly on Bills emanating from the judiciary, the Chief Justice of Nigeria forwards a draft bill with a covering letter to both the president of the senate and the Speaker of House of Representatives.²⁴ Therefore, a public bill is where a bill relates to the public at large, such as bill on revenue and petroleum.
- (2) **Private Bills** - A Bill is private where it relates to individuals or interested groups only. A legal person such as claims against a government, immigration and naturalization cases, and land matters legal person include a limited company, legal entity.

There are two types of Private Bills, these are thus:

- (1) **Members' Bills**: - These types of Bills are initiated by a member or group of members of legislature. After the bills initiated then same shall forward to the Senate President or Speaker as the case may be.
- (2) **Private Members' Bills**: - The bills for private members bills emanated from interest groups or association and/or profession Association or activities as the case may warrant. In this case the interest groups have at the stage must sponsor by a member or a Senator as the case may be. Therefore, both the two of the bills once are passed the distinction will be lifted (Noted).²⁵

The Legislative Drafting Process: Policy, Drafting Stages, and Institutional Setbacks, is a technical process by which policy intentions are rendered into a legislative (Bill) form, ready for passage into law. The process begins with the receipt of drafting instructions and ends with the completion of an agreed-upon draft.

²³ D. T. Adem, Understanding Bills, (Lexis-Nexis 2014) 11

²⁴ Ibid 11

²⁵ **Noted:** -The private bill and public have essentially differences in procedure for private bill fee is required to be paid under the Rules of both Houses.

2.3 The Format and Process of Drafting Bills

2.3.1 The Format of Bills

A Bill, as the draft of a proposed law, structurally consists of the Long Title, the Enacting Words, and the main Body of the text, which is divided into clauses. It may also incorporate Schedules where necessary. Crucially, a Bill cannot attain the status of a law or an Act until it has received both the approval of the Legislature and the requisite assent of the President of the Federal Republic of Nigeria.²⁶

The drafting of a Bill encompasses the technical drafting process, the formal legislative process, and all subsequent processes a Bill undergoes to become an Act (at the National Assembly level), a Law (at the State House of Assembly level), or a Bye-Law (at the Local Government level).²⁷

2.3.2 Initiating Member-Sponsored Bills

For a Member's Bill introduced in the Senate, House of Representatives, or a State House of Assembly, the presiding officer (the Senate President or Speaker) typically transmits the proposal to the Rules and Business Committee for scheduling its First Reading.²⁸ In the Senate, although presenting the Bill to the Clerk may suffice, the Rules and Procedure Committee remains responsible for placing the Bill on the Order Paper for its formal introduction.²⁹

2.3.3 The Drafting Process

Legislative drafting is defined as the process of converting legislative intentions or proposals into a technical Bill form, ready for passage into law. This concept extends to drafting other legislative instruments, including subsidiary legislations and administrative documents.³⁰ The drafter's work must begin by acquiring a comprehensive understanding of the subject matter and the underlying policy. This necessitates consultation with the instructing Ministry or office and designing a detailed legislative plan that frames the instructions in a logical sequence.³¹ The drafting process

²⁶ Ladi Hamalai (ed), A Hand Book on Legislative Practice and Procedure of the National Assembly (4th edn, National Institute for Legislative and Democratic Studies, National Assembly, Abuja 2018) 125.

²⁷ **Note:** - Local Government Councils have historically struggled with the proper execution of the Bye-Law making process. While the specific format or structure of a Bill is dependent on its subject matter and the practice of the particular jurisdiction, the overarching process remains standardized.

²⁸ M.D. Hassan, 'Bill Process: from Drafting to Assent' (Paper presented at a capacity Building Retreat for Members and Staff of the House Committee on Justice organised by PLAC, Abuja and Supported by DFID at Four Points by Sheraton Hotel, Victoria Island, Lagos 22 June 2018).

²⁹ Ibid

³⁰ A.O. Adekunle, Short Manual of Legislative Drafting (Nigerian Institute of Advanced Legal Studies, University of Lagos Campus, Akoka 1998) 4.

³¹ Ibid

officially commences with the receipt of drafting instructions and concludes with the completion of the draft. It is important to note that the drafting process is only a segment of the larger law-making process; the two concepts, though related, are distinct.

As emphasized by G. C. Thornton, the legislative draftsman only becomes involved once the ideas become formalized as government policies.³² Once a proposal is officially accepted and communicated in the form of drafting instructions, the drafter's work begins.³³ In Nigeria's current democracy, Legislative Counsels including those engaged privately by legislators as aids are central to drafting Bills and other legislative instruments at all levels of the Assembly.

2.3.4 Attributes of a Competent Legislative Drafter

The discipline of legislative drafting is often perceived by lawyers and allied professionals as highly technical and dry, yet its mastery is fundamentally a game of skill that cannot be acquired solely through reading academic texts. Alongside a profound knowledge of the law, a good legislative drafter must possess specific personal and professional qualities, demanding patience, discipline, and a deep interest in the subject matter.

A competent drafter (Legislative Counsel) requires patience, discipline, and a profound knowledge of the law. They should possess the following qualities:

Meticulous and Analytical Rigour: The drafter must be disciplined, highly analytical, meticulous, patient, ethically minded, and committed to rigorous research.

Qualitative Institutional Knowledge: The drafter must possess a thorough understanding of the workings, institutions, and inter-relationships of the Legislature, Executive, Judiciary, and other government bodies.

Professional Acuity and Societal Awareness: The drafter must be a professional legal practitioner capable of understanding the nuances, vagaries, and dynamics of the societies the law is intended to govern.

Commitment and Dedication: The drafter must maintain a strong interest in the subject, exhibiting a high sense of tolerance, commitment, and dedication throughout the drafting process.

Effective Communication Skills: A drafter should demonstrate excellent communication skills in English to ensure the general public can easily understand the law. It is widely acknowledged

³² Ray Esebagbon, *The Nigerian Legislative Process* (Law-Links Consults 2005) 75.

³³ D.T. Adem, *Understanding Bills* (Lexis-Nexis 2014) 16.

that becoming a proficient drafter requires patience and hard work to acquire the requisite skills on the job.

Principles of Effective Drafting (ABC and Others), Effective legislative drafting must adhere to the ABC of all legal writing.³⁴

Accuracy: The Bill must be straightforward and correct in its legal effect.

Brevity: The text must be concise long enough to cover the substance but short enough to be readable.

Clarity: The language must be unambiguous and easily understood by the general public.

A good drafter must also avoid: legalistic or archaic jargon (e.g., hereof, thereof, and hereunder), passive language, verbosity, and unnecessary abbreviations.

3. Public Participation and the Legislative Process

The benefits of involving the public in the law-making process extend beyond mere formality, offering practical, philosophical, and ethical advantages. These benefits include adherence to internal regulations and the requirements of legislative assemblies (such as Standing Orders), as many laws and programs mandate a level of public participation.³⁵ More fundamentally, this involvement adheres to democratic principles by acknowledging the inherent right of citizens, as embraced by various cultures and societies, to influence matters that directly affect them.³⁶

3.1 Principles of a Good Bill and Legislative Framework Design

The effectiveness of a legislative Bill hinges on its adherence to established principles of drafting clarity and structural design.

Principles of a Good Bill

The following principles are essential for ensuring a Bill is accessible, unambiguous, and legally sound;³⁷ a sentence structure, employ short sentences to maintain clarity and prevent confusion.

Paragraphing Every paragraph should begin with a topic sentence to introduce its core subject matter. Vocabulary avoids archaic words and unnecessary legal jargon (such as hereof, thereof, hereunder, or null and void). Language and tone are avoided in the use of passive language and

³⁴ Alubo A.O. and Danung M.Y., *Contemporary Legal Research Methodology for Nigerian Universities* (University Press Limited 2017).

³⁵ Ogundele M.O. and Ezeh C.O., 'The Influence of Mass Media on Political Campaigns in Nigeria' (2018) 1(2) *Dutsin-ma Journal of Educational Foundations* 78–81.

³⁶ Usman Ibrahim, 'A Critique of the Constitutional Alteration Processes in Nigerian's 7th and 8th National Assemblies' (August 2018) 1(1) *National Institute for Legislative and Democratic Studies, Journal of Law Review* 97, 102–103.

³⁷ *Bill Drafting Manual House of Representatives* (1st edn, National Assembly, May 2019) 4–5.

generally strive to eliminate verboseness (wordiness). Precision and direct, avoid all forms of abbreviations. Identification refers to all people, entities, and companies consistently and by name. Mechanics for the use of punctuation marks should properly be ensure in the intended meaning is conveyed.

3.2 Legislative Framework Design

Before the actual composition of the text begins, the drafter must diligently design the legislative framework. This planning is necessary to enable the drafter to organize the text into a rational and coherent sequence.³⁸ For this reason, a drafter must decide upon the following key elements:

Legal Approach: Determining the basic legal method and technique the proposed legislation should adopt.

Scope and Mechanism: Defining the specific issues to be considered and the administrative mechanisms required to implement the law.³⁹

4. The Five Stages of Drafting a Bill

G. C. Thornton suggests that the drafting process follows a logical progression through five critical stages⁴⁰. The drafting of a legislative Bill is a systematic, five-stage process designed to meticulously translate policy goals into a coherent and legally sound text. As follows:

1. **Understanding the Instruction** - the drafter's main objective is to fully comprehend the legislative purpose the specific mischief (defect in existing law) to be remedied and the principal objects to be achieved. This frequently involves holding detailed conferences with the sponsors to seek necessary clarification, ensuring the drafter grasps all foreseeable consequences of the Bill's implementation.
2. **Analysis of the Instruction** - This stage is crucial for ensuring legal integrity. The drafter researches the proposal against all relevant legal materials, including existing statutes (*in pari materia*), common law principles, judicial precedents (case law), and the Constitution (the ground norm). The objective is to identify potential legal dangers, conflicts with current legislation, or infringements upon fundamental liberties, thereby guaranteeing the proposed legislation is legally sound, constitutional, and coherent within the existing legal framework⁴¹.

³⁸ Ibid 22.

³⁹ Ibid.

⁴⁰ Thornton G.C., Legislative Drafting (3rd edn, Butterworth 1987) 34.

⁴¹ Adebayo A.F., The Lawmaking Process in Nigeria (University Press 2024).

3. **Designing the Bill** - This involves creating a legislative plan or scheme, which determines the Bill's entire structure and framework. The drafter must decide the basic legal approach, the principal topics to be covered, and the necessary administrative mechanisms required for enforcement⁴². The ultimate goal here is to present the draft Bill in a systematic, rational, and coherent sequence, often necessitating the creation of an Arrangement of Sections, Parts, and Subdivisions.
4. **Composition and Development** - Drawing upon the legislative plan, the drafter composes the text. Professional skills are deployed to ensure consistency in terminology and the use of plain language, while strictly avoiding lengthy, verbose sentences. The legislative style must adhere to local drafting conventions. The objective is to translate the legislative plan into a well-arranged text that successfully achieves the "ABC" of good legal writing: Accuracy, Brevity, and Clarity⁴³.
5. **Scrutiny and Testing** - As the final step, the draft text undergoes thorough verification. This involves checking for legal compliance against all existing laws and identifying any latent drafting errors. The objective of this stage is to finalize the text and subject it to rigorous verification (which may include peer review or public consultation in some systems) before the Bill is officially submitted for legislative passage.

5. The Steps and Structure of Drafting a Bill

5.1 Drafting Conventions

Drafting a Bill is paramount, serving as a complex essay in communication through which the drafter precisely conveys the legislative intention and purpose to the general public. As a specialized class of writing, it necessitates the acceptance and adoption of specific legislative conventions and forms.⁴⁴ While some dissimilarities in drafting conventions have developed across the Commonwealth, the core practices remain surprisingly few.⁴⁵ Adherence to these practices, born out of long experience, is crucial for effectiveness and clarity⁴⁶. Indeed, the

⁴² Alabi J., 'Participatory Democracy and the Legislative Process in Nigeria' (2016) 7(1) *Journal of Democracy and Development* 1–15.

⁴³ Alubo A.O. and Danung M.Y., *Contemporary Legal Research Methodology for Nigerian Universities* (University Press Limited 2017).

⁴⁴ Adem D.T., *Legislative Drafting: Mathematics & Other Devices* (Lexis-Nexis 2013).

⁴⁵ Uganwa W.E., 'What Is the Meaning of Freedom of Speech?' (n.d.) *Chron* <https://www.chron.com> accessed 11 January 2025.

⁴⁶ Udemba N., *The Citizen's Guide to Nigerian Legislative Process* (Spectrum Press 2024).
United Nations, *Universal Declaration of Human Rights* (1948).

effectiveness of legislation can be compared to the overarching 'post' towards which drafters steer the enactment; without an initial, appropriate definition of 'effectiveness,' drafters may steer the legislation toward 'mirages.'⁴⁷ This section reiterates the importance of strict adherence to conventional practices peculiar to legislative drafting⁴⁸. For instance, the practice of having section numbers stand independently while sub-sections are placed in parentheses is a permanent feature of legislation. A departure from this convention would inevitably result in confusion and absurdity. Other conventional practices include the use of: parts and subdivisions, headings, marginal notes, the Long Title, the Preamble, the Enacting Formula, the Short Title, and provisions for Commencement and Interpretation.⁴⁹

5.2 Arrangement in Parts

Dividing a Bill into Parts has become a conventional feature of legislation throughout the Commonwealth, becoming particularly imperative for lengthy or complicated enactments. G.C. Thornton pointed out that while there is no strict necessity for a long statute to be divided into parts, the convention is to number them using Roman numerals (Part I, Part II, etc.) rather than Arabic numerals.⁵⁰ This distinction helps separate Part numbers from section numbers⁵¹. In the National Assembly of Nigeria, the practice is to number the main divisions as Part I, Part II, and so on. This arrangement facilitates easy communication to the reader, ensures clarity of presentation, and makes for ease of reference.⁵²

5.3 Structure of a Bill

In Nigeria, the structure of a Bill largely follows the pattern and style inherited from the colonial tradition, requiring that the draft be arranged into the four broad segments identified by G.C. Thornton: Preliminary, Principal, Miscellaneous, and Final.⁵³ The drafter must master the contents of these segments to ensure accuracy.⁵⁴ Although this conventional structure has clear advantages,

⁴⁷ Thomas J.C., *Citizen, Customer, Partner: Engaging the Citizens in Management* (M.E. Sharpe 2012).87

⁴⁸ Takwate C., 'Mass Media and Creation of Political Awareness in Nigeria' (2018) 22(2) *The International Journal of Press/Politics* 58–60.

⁴⁹ Suleiman N.M., *The Dynamics of Legal Adaptation in a Developing Economy* (Apex Law Publishers 2025).

⁵⁰ Thornton G.C., *Legislative Drafting* (3rd edn, Butterworth 1987) 34.

⁵¹ Arnstein S.R., 'Ladder of Citizen Participation' (1969) 35(3) *Journal of the American Institute of Planners* 216–224.

⁵² Anifowose R., *The Politics of Legislation in Nigeria* (University of Lagos Press 2000).

⁵³ Thornton G.C., *Legislative Drafting* (3rd edn, Butterworth 1987) 34.

⁵⁴ Stultz N.M., 'Legislatures in the Third World: A Study of Their Role and Function' (Unpublished Doctoral Dissertation, University of California, Los Angeles 1968).

not all complex Nigerian legislation, such as the Consumer Protection Council Act, 2007, has consistently employed this style.

The essential components of a Bill's structure, which constitute its formal provisions, include:

1. Preliminary Provisions

Key Components of a Bill's Preliminary Provisions

The initial sections of a Bill, known as the Preliminary Provisions, establish the fundamental framework and context of the proposed legislation.

The Long Title serves as the official name of the measure, indicating the Bill's general purpose and intention.⁵⁵ As it is considered part of the Act, it can be legitimately used as an aid to interpretation, helping to ascertain the enactment's overall scope.⁵⁶ Conventionally, the Long Title begins with the prominent words "A Bill".⁵⁷ The Preamble's traditional function is to explain the object of an Act or detail the reasons why its enactment is desirable.⁵⁸ Like the Long Title, the Preamble is deemed part of the enactment and may be used as an aid to construction, capable of either extending or restricting the general language used in the body of the Act.⁵⁹ However, Preambles are now increasingly rare in contemporary democratic settings, having been typically replaced by an Explanatory Memorandum annexed to the Bill.⁶⁰ The Enacting Formula is found at the beginning of the enactment; it states the authority and jurisdictional identity of the legislating body, thereby providing the Act with its constitutional authenticity.⁶¹ and conventionally follows the introductory heading.⁶² Commencement refers to the specific date the Act comes into operation, a point that must be clearly distinguished from the date of its passage or assent.⁶³ This critical provision should be presented in a separate section for easy traceability.⁶⁴

The Short Title is a statutory nickname designed for quick and easy reference, which obviates the necessity of continually citing the full title. For effectiveness, it must be unique, informative, brief, and consistent with existing laws.⁶⁵ The Interpretation/Definition provision is highly useful for

⁵⁵ Bias A. Dorsey, *Legislative Drafter's Desk book: A Practical Guide* (The Capitol Net 2006) 155–156.

⁵⁶ G.C. Thornton, *Legislative Drafting* (3rd Edn., Butterworth 1987) 150.

⁵⁷ Bias A. Dorsey, *Legislative Drafter's Desk book: A Practical Guide* (The Capitol Net 2006) 155–156.

⁵⁸ G.C. Thornton, *Legislative Drafting* (3rd edn, Butterworth 1987) 153.

⁵⁹ *Ibid*

⁶⁰ D.T. Adem, *Understanding Bills* (Lexis-Nexis 2014) 102.

⁶¹ VCRAC Crabbe, *Legislative Drafting* (2nd edn, Cavendish Publishing Limited 1998) 121.

⁶² Ray Esebagbon, *The Nigerian Legislative Process* (Law-Links Consults 2005) 103.

⁶³ D.T. Adem, *Understanding Bills* (Lexis-Nexis 2014) 112.

⁶⁴ VCRAC Crabbe, *Legislative Drafting* (2nd edn, Cavendish Publishing Limited 1998) 138.

⁶⁵ *Ibid* 122.

ensuring clarity and removing ambiguity by delimiting, extending, or narrowing the accepted meaning of a word. Drafters must carefully distinguish between the use of 'means' (to express a complete meaning) and 'includes' (to express an incomplete meaning where part of the intended meaning is omitted).⁶⁶

Finally, the Application provision indicates the initial area (whether geographical or temporal) to which the statute applies, thereby removing legal uncertainties, particularly concerning the effect of the law upon its Commencement.

Other Preliminary Matters

Headings: Printed in Roman capitals, headings serve as signposts, indicating the scope of the sections they refer to. They must be brief and descriptive, though they do not strictly form part of the Act.⁶⁷

Marginal Notes: Provide a concise indication of a section's content. They enable a reader to quickly understand the framework of the legislation and should be accurate, terse, and consistent with the language of the section to which they refer.⁶⁸

Duration: The general rule is that legislation is perpetual until repealed. If an Act is intended to be temporary, a specific provision must be included for its expiry date (e.g., "The Act shall continue in force until 31st December, 2020").

Citation: A brief statement indicating the formal manner in which the Act should be cited (e.g., "This Act may be cited as the 'Forest Act'").

6. Bill Scrutiny and Analysis

Bill Scrutiny and Bill Analysis are essential checks in the modern law-making process, usually carried out by legal experts, researchers, and committee staff.

Bill Scrutiny is a summary examination of a Bill to quickly determine if it's ready for the legislature to debate and vote on.⁶⁹ The main goals of Scrutiny are found conflicts or overlaps with existing laws; check the quality of the legal language (drafting standards) and make it easier for the Bill to pass into law.⁷⁰ The process is guided by checking the Bill against key legal and policy standards,

⁶⁶ Ibid 129.

⁶⁷ G. C. Thornton, *Legislative Drafting* (3rd edn, Butterworth 1987) 140–141.

⁶⁸ ²³ VCRAC Crabbe, *Legislative Drafting* (2nd edn, Cavendish Publishing Limited 1998) 142.

⁶⁹ Shaaibu A. Danwanka, Ph. D.: 'Bill Scrutiny and Analysis in A Legislative', (Paper presented at a two days training workshop for Legislative Aids in the Senate organized by the National Institute for Legislative Studies, Abuja, 21st March, 2014).

⁷⁰ Ibid

including constitutional rules, existing laws and policies, and established institutional frameworks. It also checks the Bill's structure for consistency, precision, and completeness.

The result of a good scrutiny is a high-quality, well-structured Bill, which leads to smoother debate and an easier path to becoming law.⁷¹

Bill Analysis (The Detailed Report) is a detailed report that fully describes a Bill, covering its history, background, sponsor, goals, and content. The main goals of Analysis are to provide all relevant information about the Bill; to evaluate the policy and legal consequences of the Bill; to help legislators understand the Bill thoroughly and ensure the debate is lively, well-informed, and participatory.⁷² The guiding principles for Analysis require: examining existing legal and policy structures; using informed, evidence-based background material; ensuring the report is well-structured and consistent; using updated and reliable sources; and including lessons from other countries' experiences.⁷³ The result of a good Bill Analysis is a more participatory legislative process because everyone understands the Bill, leading to better committee work and easier passage into law.⁷⁴

7. Distinction between Drafting and Legislative Processes

The Drafting Process and the Legislative Process are two separates but connected phases of law-making. The Drafting Process starts when the sponsor (the person or office proposing the law) gives formal instructions to the legislative draftsman (the legal expert who writes the law). It ends when the draftsman finishes the document, which is formally called a Bill, and submits it to the legislative body (like the National Assembly).

In contrast, the Legislative Process begins the moment the legislative body formally receives the Bill. It covers all the stages the Bill must pass to become law

First Reading: Formal introduction.

Second Reading: General policy is debated.

Committee Stage: Clauses are reviewed and changed, often line-by-line (scrutinized).

⁷¹ Shaaibu A. Danwanka, Ph. D.: 'Bill Scrutiny and Analysis in A Legislative', (Paper presented at a two days training workshop for Legislative Aids in the Senate organized by the National Institute for Legislative Studies, Abuja, 21st March, 2014).

⁷² Shikyil S.S., 'Communicating Policy through Legislation' (n.d.) 1(1) Nigerian Journal of Legislative Affairs, Policy Analysis and Research 112.

⁷³ Policy and Legal Advocacy Centre, Guide to Lawmaking in the National Assembly (2019) <https://placng.org/i/wp-content/uploads/2019/12/Guide-to-Lawmaking-in-the-National-Assembly.pdf> accessed 14 October 2025.

⁷⁴ Oyewo O., 'Public Participation and the Legislative Process in Nigeria' (2015) 50(2) Journal of Public Administration 121–135.

Third Reading: Final vote.

Transmission: The Bill is sent to the other legislative chamber (e.g., from the Senate to the House of Representatives) for a similar procedure.

Assent: The Bill is signed by the President (or Governor), at which point it officially becomes an Act or Law.

8. Findings

The foundation of law-making in Nigeria rests on a Constitutional Mandate and the Separation of Powers, requiring the National Assembly and State Houses of Assembly to enact laws for peace, order, and good governance. This authority is exercised through the passing of Bills, which must be approved by both legislative chambers and receive Presidential Assent, as stipulated by Section 58(1) of the Constitution. The scope of this power is explicitly defined by Section 4, covering the Exclusive and Concurrent Legislative Lists, ensuring the federal system remains legally coherent and democratically governed.

The Legislative Enactment Process is fundamentally structured around three sequential stages that transform policy ideas into legal instruments. These stages are: Policy Formulation (establishing the conceptual necessity for the law), Research and Instruction (gathering data and informing sponsors), and Technical Drafting (the specialized writing of the Bill). The article highlights its focus on this technical dimension, emphasizing that both the Executive and the Legislature share the responsibility for initiating and developing the statutory scheme.

In the legislative context, a Bill is defined as a critical, formal document—a written suggestion introduced to an assembly to propose, modify, or repeal a law. Conceptually, it functions as a "legal essay in communication," tasked with conveying the precise legislative intention to the general public and implementing agencies. This specialized form of legal writing is executed by Legislative Counsel, who are experts responsible for adhering to strict drafting conventions and legal integrity.

Legislative proposals, or Bills, emanate from Four Primary Sources within the Nigerian political landscape. While the Executive Arm of Government is the most prolific source, proposals also originate from individual Legislators (Member's Bills), the Judiciary (identifying lacunae in existing law), and various Private Individuals/Interest Groups (such as professional bodies). The implementation of International Agreements and Treaties is a fifth, constitutionally mandated

source. Bills are broadly categorized as Public Bills (relating to the general community) or Private Bills (relating to specific groups or individuals).

9. Recommendations

The quality of a country's laws directly reflects the skill and care used in legislative drafting. Good legislation is vital for managing a nation's economy, politics, society, and administration, as statutory bodies carry out most government functions.⁷⁵ To ensure good governance, drafters must aim to produce legal instruments that are: easy to read and understand, short, unambiguous, and practical to comply with. It is highly recommended that Nigerian institutions, particularly the Executive and the Legislature, establish dedicated offices for "Bill Scrutiny and Analysis". This step would help, facilitate regular review of existing laws (e.g., every five years, following international best practice). Help the government understand why a particular Act may be ineffective, unenforceable, or difficult to administer.

10. Conclusion

The process of drafting a Bill in the National Assembly is a highly technical and disciplined one, demanding a systematic application of legal and writing skills across the five key stages: Understanding, Analysis, Design, Composition, and Scrutiny.

The effectiveness of the resulting Act depends entirely on the drafter's ability to translate complex policy into clear, unambiguous legal language that is constitutionally compliant and coherent with the body of existing Nigerian law.

Setbacks in this process often stem from inadequate drafting instructions, political pressure leading to rushed drafting, or failure to rigorously scrutinize the draft against constitutional requirements, which can ultimately lead to avoidable legal challenges and judicial intervention.

⁷⁵ A. O. Adekunle, *Short Manual of Legislative Drafting* (Nigerian Institute of Advanced Legal Studies, University of Lagos Campus, Akoka 1998) 1.