A BILL

FOR

AN ACT TO ESTABLISH A NATIONAL ORDER OF PRECEDENCE OF PUBLIC OFFICERS IN THE FEDERAL REPUBLIC OF NIGERIA

Sponsored by - SENATOR JONATHAN SILAS ZWINGINA

[ ] **Commencement.**

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

Establishment by Government.

1.— (1) Immediately after the commencement of this Act, be it established by the Government of the Federation, a National Order of Precedence of Public Officers of the Federal Republic of Nigeria, to be observed and adhere to by all at :

(*a*) national functions ;

(*b*) official and Social engagements, and

(*c*) for the purposes of assisting the determination of the remunerations, salaries, and allowances of public officers in the Federal Republic of Nigeria.

Order of Precedence of Public Officers.

2.— (1) In furtherance of the social objectives and directive principles of state policy expressed in Sections 11 (1) and 23 of the 1999 Constitution and in accordance with the powers conferred on the National Assembly to control public funds in Section 84 together with the letters of item 52, Part 1 of the Exclusive Legislative List, Second Schedule, Legislative Powers, of the same Constitution, there shall be established forthwith a National Order of Precedence of Public Officers thus :

(*a*) (*i*) the President of the Federal Republic of Nigeria ;

(*ii*) the Vice-President of the Federal Republic of Nigeria ;

(*iii*) the President of the Senate of the Federal Republic of Nigeria ;

(*iv*) the Speaker of the House of Representatives of the Federal Republic of Nigeria ;

(*v*) the Chief Justice of the Federal Republic of Nigeria ;

(*vi*) the former Presidents of the Federal Republic of Nigeria ;

(*vii*) the Deputy President of the Senate of the Federal Republic of Nigeria ;

(*viii*) the Deputy Speaker of the House of Representatives of the Federal Republic of Nigeria ;

(*ix*) the Senators of the Federal Republic of Nigeria ;

(*x*) the Members of the House of Representatives of the Federal Republic of Nigeria ;

(*xi*) the Justices of the Supreme Court of the Federal Republic of Nigeria ;

(*xii*) the President of the Federal Court of Appeal of the Federal Republic of Nigeria ;

(*xiii*) the Former Vice-Presidents of the Federal Republic of Nigeria ;

(*xiv*) the Governors of the States of the Federal Republic of Nigeria ;

(*xv*) the Ministers of Cabinet Rank of the Federal Republic of Nigeria ;

(*xvi*) the Ministers of State of the Federal Republic of Nigeria ;

(*xvii*) the Secretary to the Government of the Federal Republic of Nigeria ;

(*xviii*) the Head of Service of the Federal Republic of Nigeria ;

(*xix*) the Ambassadors and High Commissioners of Foreign Missions in the Federal Republic of Nigeria ;

(*xx*) the Chief of Defence Staff of the Federal Republic of Nigeria ;

(*xxi*) the Chief of Army Staff of the Federal Republic of Nigeria ;

(*xxii*) the Chief of Air Staff of the Federal Republic of Nigeria ;

(*xxiii*) the Chief of Naval Staff of the Federal Republic of Nigeria ;

(*xxiv*) the Inspector-General of the Nigeria Police Force of the Federal Republic of Nigeria ;

(*xxv*) the Special Advisers to the President of the Federal Republic of Nigeria ;

(*xxvi*) the Justices of the Federal Court of Appeal of the Federal Republic of Nigeria ;

(*xxvii*) the Chief Judges of the Federal High Court of the Federal Republic of

Nigeria;

(*xxviii*) the Traditional Rulers of the Federal Republic of Nigeria, by status;

(*xxix*) the Judges of the Federal High Court of the Federal Republic of Nigeria;

(*xxx*) the Chairman, Federal Civil Service Commission of the Federal Republic of Nigeria;

the Chairman, Independent National Electoral Commission of the Federal Republic of Nigeria;

the Chairman, National Population Commission of the Federal Republic of Nigeria;

the Chairman, Police Service Commission of the Federal Republic of Nigeria;

the Governor, Central Bank of the Federal Republic of Nigeria;

(*xxxi*) the Auditor-General of the Federal Republic of Nigeria;

(*xxxii*) the Federal Permanent Secretaries of the Federal Republic of Nigeria;

the Clerk of the National Assembly of the Federal Republic of Nigeria;

the Deputy Inspector-General of the Nigeria Police Force of the Federal Republic of Nigeria;

the Special Assistants to the President of the Federal Republic of Nigeria; and

(*xxxiii*) any other category of Officers in the Public Service of the Federal Republic of Nigeria.

Objectives and directive principles

3. —(1) It is hereby declared that the objectives and directive principles of the National Order of Precedence of Public Officers of the Federal Republic of Nigeria are:

(*a*) to maintain public order and decorum at national functions, official and social engagements of the Government of the Federal Republic of Nigeria;

(*b*) to uphold the national ethics of respect orderliness and discipline among public officers in the day to day running of government;

(*c*) to facilitate the good governance of the Federal Republic of Nigeria;

and

(*d*) to guide the Revenue Mobilization and Fiscal Commission in determining the remunerations, salaries and allowances of public officers as stipulated in Section 84 of the Constitution of the Federal Republic of Nigeria, 1999.

Offences and penalties.

4.— (1) If any public officer of the Federal Republic of Nigeria acts in contravention of the provisions of Section 2 (1) (*a*) of this Act, either through its disobedience or disregard or abuse or neglect or ignorance, he shall be guilty of an offence and shall be liable to an official reprimand, made in writing to him, by one or two public officers, noticing such offence, and who are, as it were, placed above him (the offender) in the National Order of Precedence of Public Officers of the Federal Republic of Nigeria.

(2) The official reprimand issued therefrom shall, without prejudice to the position which the offender occupies in the National Order of Precedence of Public Officers of the Federal Republic of Nigeria, be a subtle rebuke or caution of the offender which will be caused to be published in the *Official Gazette* of the Government of the Federal Republic of Nigeria.

(3) Such publication of reprimand in the *Official Gazette* will be made as many times as this Act is contravened either by the same public officer or any other public officer.

(4) (*a*) For the avoidance of any doubt former Presidents and Vice-Presidents of the Federal Republic of Nigeria, together with Ambassadors and High Commissioners of Foreign Missions in Nigeria are NOT excluded from the provisions of section 4 (1) (2) and (3) of this Act ;

(*b*) however, without prejudice to the provisions of this Act, the category of public officers listed in section 4 (4) (*a*) shall NOT be priviledged to issue a reprimand to offending officers placed below them in the Order of Precedence of Public Officers.

5. For the avoidace of any doubt, and without prejudice to Section 146 of the Constitution of the Federal Republic of Nigeria, 1999, this Act does not in any way or form connote or impute a succession of duties among the Public Officers listed in Section 2 (1)(*a*) ; that is to say, in the event of vacancy by reason of death or resignation or the removal from office of the President as specified in Sections 143 and 144 of the same Constitution.

Not a Succession of duties.

6. In this Act "Government of the Federation" includes any Civil Servant or any other public officer ;

Interpretation.

"Act or Act of the National Assembly" means any law made by the National Assembly and includes any law which takes effect under provisions of the 1999 Constitution as an Act of the National Assembly ;

"Authority" includes government ;

"Functions" include powers and duties ;

"Public Officers" means a person holding any of the offices specified in Part II of the Fifth Schedule of the 1999 Constitution ;

"Public Office" shall not include the chairmanship or membership of ad-hoc tribunals, commissions or committees ;

"Exclusive Legislative List" means the list in Part 1 of the Second Schedule of the 1999 Constitution ;

"Order Of Precedence" means a list of public officers arranged in their order of seniority or hierachy and functions in government. The President of the Federal Republic of Nigeria being the first in the list.

7. This Act may be cited as National Order of Precedence of Public Officers Act 1999.

Short Title.

Explanatory Note

The Bill seeks to give effect to the real intentions and spirit of sections 11 (1) and 23 of the 1999 Constitution of the Federal Republic of Nigeria and to promote the good image of the country in accordance with the letters of Part 1, item 52 of the Exclusive Legislative List, Second Schedule, Legislative Powers, of the same Constitution; that is to say, to foster orderliness, discipline and decorum in the processes of governance in the Federal Republic of Nigeria. Furthermore, it is aimed at providing an enduring yardstick for determining the proper position of all public officers, their seniority and hierachy, in the National Order of Precedence, for the purpose of assisting the fixation of their remunerations, salaries and allowances.