



## LEGISLATIVE POWERS UNDER THE NIGERIAN AND BRITISH CONSTITUTIONS: THE PLACE AND ROLE OF COMMITTEES

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### Abstract

*This paper explores Legislative Powers under Nigeria's 1999 presidential constitution and the British parliamentary system with emphasis on the role of legislative committees in handling the increasing volume and complexity of parliamentary businesses. While Nigeria's Constitution vide Section 62(1) empowers the National Assembly to form committees, the British system is a product of long-established and institutionally mature tradition. The papers undertook an epochal review of the historical development of the Committee system in both jurisdictions, highlighting areas of convergence and how the committees have contributed to governance in the wider system of government in place. Through doctrinal research, based on constitutional texts, statutes, case law, and scholarly literatures, the paper explores basis, types, number, composition, powers, functions and other characteristics of committees. A unique Committee identified and expounded hereof is the 1922 Committee in the British House of Commons. The study finds that committees are central to legislative businesses and the success thereof, in both jurisdictions.*

**Keywords: Constitution, Legislative Powers, Presidential System, Parliamentary System, Committee System, Bicameralism.**

### 1.0 INTRODUCTION

Across the globe, legislatures perform more than just the function of enacting laws, they serve as platforms for representation, deliberation, policy evaluation, and oversight. One of the key mechanisms that enable legislatures to fulfill these responsibilities effectively is the committee system. Whether in presidential or parliamentary democracies, legislative committees are increasingly pivotal in handling the growing complexity of government functions and public expectations of transparency and accountability.

Committees are particularly useful in reducing legislative workload, facilitating expert input, and enabling detailed scrutiny of policies and bills. Their relatively informal setting promotes frank discussions and technical analysis that might be difficult to achieve during general plenary sessions<sup>1</sup>. However, the way in which committees are structured, empowered, and operate differs

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<sup>1</sup> K. Wenibowei, 'Committee System in Nigeria's National Assembly: Issues and Challenges' In F.A Aremu, A.R Bakare, (eds) *Two Decades of Legislative Politics and Governance in Nigeria's National Assembly*, Palgrave Singapore 2021; See also, J.Y Fashagba, 'The Roles of Committee System in Enhancing Legislative Efficiency in Nigeria: The Case of Kwara State House of Assembly' *Journal of Sustainable Development in*



significantly between political systems. This divergence is particularly evident when comparing presidential and parliamentary democracies, such as Nigeria and the United Kingdom.

Nigeria's adoption of the presidential system, modeled after the United States, is reflected in its constitutional separation of powers. The Constitution<sup>2</sup> empowers both the National Assembly and State Assemblies to establish committees to assist in carrying out their legislative functions. These committees may be standing, ad hoc, or joint in nature, covering sectors like defence, education, public accounts, and more. Despite the constitutional backing, the effectiveness of Nigerian committees is often constrained by political interference, insufficient technical capacity, and weak enforcement of their recommendations<sup>3</sup>.

The British Parliament, on the other hand, has evolved a rich tradition of committee practice. Although early British legislatures were largely dominated by plenary sessions, major reforms especially the 1979 reorganization which established departmental select committees transformed the landscape<sup>4</sup>. These committees are tasked with examining the policy, spending, and administration of government departments. While their conclusions are not legally binding, the weight of tradition, parliamentary authority, and media coverage often push the executive to respond seriously to their reports<sup>5</sup>.

The extent to which legislative committees are effective also depends heavily on political culture and party politics. In Nigeria, committee appointments are often politically motivated, with selection based more on loyalty to party hierarchies than legislative competence. This patronage-based approach often undermines the capacity of committees to exercise independent judgment. When the executive enjoys overwhelming legislative support, committee reports tend to be symbolic rather than impactful<sup>6</sup>. In many instances, ministers defy invitations to appear before committees without facing any consequences.

In contrast, Britain has taken several steps to enhance the independence of its legislative committees. Committee chairs are selected through cross-party votes, and in many cases, they come from opposition ranks, adding to their credibility. Long-standing parliamentary conventions also require that ministers and civil servants cooperate with committees, which contributes to a culture of responsiveness and respect for parliamentary oversight<sup>7</sup>.

Public accountability is a defining feature of modern legislative practice. In recent years, there has been a shift toward openness and citizen participation in the legislative process. The British Parliament has integrated modern tools such as televised committee hearings, online

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*Africa* (2009)(10)(4).

<sup>2</sup>SS 62 & 103 of the Constitution of the Federal Republic of Nigeria, 1999, hereinafter simply referred to as the Constitution or the 1999 Constitution or the CFRN 1999.

<sup>3</sup> J.S Omotola, 'The Functions of Committees in the Nigeria National Assembly' *Journal of Legislative Studies* (2010)(16)(1) 62 - 77

<sup>4</sup> A. Kelso, *Parliamentary Reform at Westminster* (Manchester University Press 2009)

<sup>5</sup> P. Norton, *Parliament in British Politics* (2<sup>nd</sup> ed London: Palgrave Macmillan 2013); See also UK Parliament (2009). *Thirty Years of Departmental Select Committees*. Retrieved from <<https://www.parliament.uk/documents/commons-committees/DepartmentalSelectCommittees>> accessed 3<sup>rd</sup> March, 2025.

<sup>6</sup> D.D Aaron, and S.B Lawal-Gambari, 'Legislative Oversight: An Appraisal of the Law and Practice' *Benue State University Law Journal*, (2023)(12)(2)

<sup>7</sup> A. Kelso, 'Parliament on Its Knees: MPs Expenses and the Crisis of Transparency' *Political Quarterly*, (2009)(80)(2)



consultations, and publication of inquiry results to promote engagement. This approach has strengthened public confidence in the legislative process and increased awareness of committee activities<sup>8</sup>.

Nigeria's progress in this regard has been uneven. While some committee sessions are open to the press and civil society, access is often restricted during politically sensitive investigations. Despite repeated advocacy from civil society organisations for enhanced openness, many legislative committees still operate without transparency, limiting public trust and participation<sup>9</sup>. One area where divergence is particularly stark is in the technical support provided to committees. In the UK, committees have access to expert researchers, legal advisors, and clerks who provide in-depth analysis and logistical coordination. For instance, the House of Commons Library<sup>10</sup> plays a central role in producing briefings that support committee investigations.

Conversely, Nigerian committees are hampered by a lack of technical personnel, minimal research infrastructure, and overreliance on public service bureaucracies. This situation often weakens the depth and quality of their findings. Furthermore, even when Nigerian committees produce well-reasoned reports, they are rarely implemented. Many recommendations are not tabled for debate, and those that are often do not translate into legislative or policy action<sup>11</sup>. This gap between committee findings and policy impact remains one of the biggest obstacles to legislative oversight in Nigeria.

A critical analysis of the committee systems in Nigeria and the United Kingdom illustrates the interplay of legal frameworks, institutional practices, and political cultures in shaping legislative oversight. Although Nigeria has laid down constitutional provisions for a vibrant committee system, practical challenges continue to limit its effectiveness. The British Parliament offers a more established model, but even there, efforts are ongoing to improve responsiveness and independence. Strengthening committee systems through reforms, capacity building, and public participation will go a long way in promoting good governance, legislative accountability and effectiveness.

## 2.0 COMMITTEES

In *R v Secretary of State for the Home Department, ex parte Hillingdon LBC*,<sup>12</sup> a committee was defined as “a group of persons chosen or elected by a larger parent body to carry out general or specific delegated duties or assignment”.<sup>13</sup>

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<sup>8</sup> C. Leston Bandeira, ‘Citizen Engagement and the Committee System in the UK Parliament’ *Political Studies Review* (2015)(13)(1)

<sup>9</sup> E.J Nwangwu, ‘Legislative Oversight in Nigeria: A Watchdog or a Hunting Dog?’ *Journal of Law, Policy and Globalization*, (2014)(22)

<sup>10</sup> House of Commons Library, ‘Select Committees: Key Issues and Proposals for Change’, *Research Briefing, CBP-9303*, (2021)

<sup>11</sup> A.R Bakere, ‘Legislative Effectiveness in Nigeria’s National Assembly: An Institutional Assessment Approach’ *NILDS Journal of Democratic Studies*, (2020)(1)(1)

<sup>12</sup> *R v Secretary of State, Ex Parte Hillingdon* (1986) 1 WLR 192.

<sup>13</sup> See E. Malemi, *The Nigerian Constitutional Law*, (Princeton Publishing Co. Ikeja, 2006) P. 151,

See also *Abubakar v Gov of Gombe State* (2002) 17 NWLR (Pt 797) 533; *Gov of Akwa Ibom State v Umar* (2002) 7 NWLR (Pt. 767) 738; and *Ahmed v Sokoto State House of Assembly* (2002) 15 NWLR (Pt. 791) 539.



## 2.1 The Committee System

The Constitution of the Federal Republic of Nigeria 1999, states in clear terms the purpose and importance of committees in the performance of legislative functions of the Nigerian National Assembly.<sup>14</sup> This section states that ‘the Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee’. In essence, committees are essential to the effective operations, better regulation and management of the National Assembly.

Many scholars have written on legislative committees because of the constitutional and pivotal roles they play in shaping decisions and the management of the legislative assembly. For example, The National Democratic Institute for International Affairs,<sup>15</sup> observed that almost all democratic legislatures depend on committees to conduct their business. It went on to define ‘committees’ as small groups of legislators who are assigned, on either a temporary or a permanent basis, to examine matters more closely than could the full chamber. Esebagbon<sup>16</sup> gave a broader definition of what a committee is. He stated that, in its simplest form, Committees are legislative working groups created by parliaments to enhance their legislative businesses. Ojo<sup>17</sup> considered a legislative committee as a miniature representation of the parent organization. Aduba and Oguche<sup>18</sup>, viewed committees as smaller parts of a larger group appointed to perform specialized service on a one-time or continuous basis, and that they can also be described as sub-divisions of a Legislature that prepare legislation for action by the respective House or that make investigations, as directed by the respective House. Hamalai<sup>19</sup> opined that Committees are normally seen as a sub-division of the Legislature to increase the level of productivity and efficiency. He went further and described committees as the factory production lines of the legislature, and that they wield a great deal of decision-making powers in the sense that most legislative decisions are taken at that level.

Akande<sup>20</sup>, in explaining the rationale behind the evolution of the committee system, stated that it is impracticable for a body as large as the House of Representatives to thoroughly address every issue requiring legislation. Furthermore, certain specialized matters demand extensive and detailed investigations. To manage this, the parliamentary system employs constitutionally recognized committees composed of a small number of members, assigned to handle specific or, at times, general functions. These committees may be either standing or ad hoc in nature.

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<sup>14</sup>S. 62(1) & (2) CFRN 1999.

<sup>15</sup> Legislative Research Series: Committees in Legislature. <<https://www.ndi.org>> Accessed 27 January 2024.

<sup>16</sup> R. Esebagbon, *The Nigerian Legislative Process* (Law-Link Consults Abuja 2005)

<sup>17</sup> T. I. Ojo, *Nigerian Legislature: Historical Survey of Colonial Administration in Nigeria before Independence* (Administrative Staff College of Nigeria 1997).

<sup>18</sup>Aduba&Oguche (n.17).

<sup>19</sup> L. Hamalai, ‘The Role of Committees in a Presidential System of Governance, (A Paper presented on the occasion of the inauguration of Committees of the 9<sup>th</sup> House of Representatives National Assembly, 2<sup>nd</sup> October 2019).

<sup>20</sup> J. Akande, *Introduction to the Constitution of the Federal Republic of Nigeria 1999* (MIJ Publishers 2000) p.153.



The NDI.<sup>21</sup> provided further elucidation on the imperative of the committee system, when it stated that committees allow the legislature to perform simultaneously numerous important functions that otherwise might not be conducted at all. It also surmised that committee proceedings operate under less formal rules of procedure than those that govern the entire legislature. Another benefit of the committee system is that committee members discuss informally and under a more relaxed atmosphere. Esebagbon<sup>22</sup> rightly observed that it is against the backdrop of the fact that the bulk of legislative business is done at the committee level that the system has come to be regarded as the hub of legislative practice in modern democracies.

Although the committee system has been praised for its utility and importance as mentioned earlier, a cautionary note has been sounded, warning against legislators abusing the system by permitting committees to fracture group interests.<sup>23</sup> According to the esteemed authors, it is important to note that while this mechanism enhances the efficiency of the legislature, it also carries the risk of weakening its overall influence. A committee may become overtly aligned with specific elected interest, and if granted near-complete independence, the committee system could become fragmented, with members lacking a shared commitment to national policy objectives. Nonetheless, there are inherent stabilizing factors that help mitigate such fragmentation. The involvement of party leaders and the ongoing interactions between committee leaders serve as unifying influences.

Woodrow Wilson, in his criticism of the committee system<sup>24</sup> as it operated the United States Constitution, described legislative committees as 'little legislatures'. He elaborated on how the committee system essentially created smaller legislative bodies within the larger Congress<sup>25</sup>, hence the term 'little legislatures'. The committee system according to him, allows a small group of congressmen to hold considerable power over legislation, sometimes at the expense of the larger legislative body's deliberative process. According to Woodrow, 'The House sits, not for serious discussion, but to sanction the conclusion of committees as rapidly as possible. It legislates in its committee rooms; not by the resolutions of specially commissioned minorities; so that it is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committees-rooms is Congress at work'.

## 2.2 Types of Committees

As previously discussed, legislative committees play a pivotal role in modern democracies, and are an indispensable component of the legislative system. Here, the study examines the types of committees that may be constituted under the Nigerian Presidential Constitution. For purposes of convenience and articulation, the committees are classified as per the classification adopted by the Senate of the Federal Republic of Nigeria in its Standing Rules of 2002. Under the extant Rules, there are three broad classifications namely, Special Committees, Standing Committees and Ad-hoc Committees.<sup>26</sup>

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<sup>21</sup> NDI (n.43)

<sup>22</sup> (n.58)

<sup>23</sup> E.M. Joyce and K. Igweike, *Introduction to the 1979 Constitution* (London: Macmillan Press, 1982) p. 151

<sup>24</sup> *Congressional Government: A Study in American Politics* (Houghton, Mifflin and Co 1885)

<sup>25</sup> The American Congress is the equivalent of Nigeria's National Assembly and consists of two chambers: the Senate and the House of Representatives.

<sup>26</sup> Rules 96 and 98 of the Standing Rules of the Senate 2002.



### **2.2.1 Special Committees**

Traditionally, special committees are appointed at the commencement of each legislative session by the House and are assigned duties and responsibilities. These committees include the following:

- i) Committee of Selection
- ii) Committee on Rules and Business
- iii) Committee on House Services
- iv) Ethics, Public Petitions, & Privileges Committee
- v) Public Accounts Committee

The committees are considered special because of the crucial role they play in addressing pressing concerns that require specialized attention and expertise.

### **2.2.2 Committee of Selection**

This is arguably the most important committee of the House as it is tasked with the responsibility of selection of members to serve on various other committees of the House. This committee also has the responsibilities of ensuring that the composition of each committee reflects the diversity and expertise necessary to address the issues that the legislature oversees. In the Senate it consists of the President, Deputy President, and principal officers of the Senate. In the House of Representatives, it consists of the Speaker as the Chairman, the Deputy Speaker, and other principal officers of the House.

### **2.2.3 Committee on Rules and Business**

This committee determines the matters that should come before the House and the date and time of their presentation for deliberation. It is a strategic committee that has responsibility for the business agenda of the House.

**2.2.4 Committee on House Services** oversees matters relating to the welfare of legislators, and administrative and operational requirements of the House.

### **2.2.5 Ethics, Public Petitions, & Privileges Committee**

This committee handles all matters relating to ethical conduct of members, investigation of allegations of misconduct, abuse of privileges, and petitions submitted by the public. Part of the duties of the committee may include conducting inquiry or investigations into matters of public interest as may be empowered by the House.

### **2.2.6 Public Accounts Committee**

The main duty of this committee is to examine all public accounts, determine the implementation of all sums appropriated by the Assembly. It also reports to the House the extent of implementation of the report of the Auditor-General of the Federation by the Ministries, Departments and Agencies of government concerned.

## **2.3 Standing Committees**

These are permanent committees created in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and under the Standing Rules of the Senate and the House of Representatives, for the duration of the House or until the Committee stands dissolved<sup>27</sup>. They are constituted at the beginning of the Legislative Session and continue to function throughout the duration of the Assembly. Under the Nigeria's Presidential Constitution, Standing

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<sup>27</sup>*Ibid* Rule 98; See also SS.62 (1) & (2), 103(1) & (2) of the CFRN 1999.



Committees include committees on Judiciary, Education, Science and Technology, Public Works, Finance, Agriculture and Natural Resources, Banking and Currency, Housing and Urban development, Health and Social Services, Communication, Mines and Power, Defence, etc. The committees monitor the activities and operations of government agencies and identify issues that are relevant for legislative action, within the guidelines provided under the House Rules.<sup>28</sup> They are also responsible for conducting investigations and supervision of the activities of the executive arm of government agencies. They also perform oversight function.<sup>29</sup>

#### **2.4. Sub-Committees**

Where a Standing Committee is such with a fairly large jurisdiction, the Chairman may decide to break the Standing Committee into sub-divisions for specialist opinion, and thorough deliberations. Sub-committees enjoy the same powers as the full committee except that the sub-committee is not allowed to report directly to the House. The sub-committee's report must first be presented to the substantive committee where it would be considered and agreed upon, and then presented to the House by the substantive committee.<sup>30</sup>

#### **2.5 Ad-Hoc Committees**

Ad-hoc committees are temporary committees set up by the House for specific purposes. Unlike Standing Committees, which are of a permanent nature, ad-hoc committees are disbanded once they complete the assignment for which they are set up. Ad-hoc committees are usually set up to handle specific tasks such as investigations into civil unrest, emergencies, or religious crisis in any part of Nigeria.

#### **2.6 Committee of the Whole**

When the entire House sits as a committee, presided over by a chairman, instead of the presiding officer, it is referred to as Committee of the Whole. However, in practice, the presiding officer of the House, still chairs the meeting when the House sits as a Committee. In his absence, the Deputy Presiding officer or any of the principal officers of the House takes the chair. Usually, the reports of Standing Committees and Ad-hoc committees are discussed in the committee of the Whole.<sup>31</sup>

The House goes into Committee of the Whole whenever an order which is on the Order Paper for the day is read out by the Clerk that the House resolves into a Committee. The Presiding Officer leaves the Chair and takes the Clerk's chair at the Table, and the mace is removed from its place and placed on the rack at the lower end of the table. The proceedings and deliberations of the Committee are directed by the Chairman. Usually, the reports of Standing Committees, are brought before the Committee for detailed deliberations. Reports of Ad-hoc committees are also brought for a discussion by the Committee. It should be noted, however, that the report of the Committee of the Whole requires presentation to and approval by the House.

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<sup>28</sup>*ibid*

<sup>29</sup>SS 88 & 128 of the CFRN 1999

<sup>30</sup> Rule 102 Standing Rules of the Senate 2002

<sup>31</sup>*Goffin v Donnelly* (1881) 6 QBD 307



Where the Committee is unable to complete its work at a particular sitting, it has no power to adjourn its own sitting, or a debate till a future sitting. According to Jimoh<sup>32</sup>, however, a motion that the chairman does report progress and ask leave to sit again may be moved in committee and if carried has the effect of postponing debate on the matter under consideration.

One of the benefits of the Committee of the Whole, is that it provides an informal setting where members could discuss freely and in a relaxed atmosphere. The quorum required for the Committee of the Whole is the same as that for the House. As rightly stated by Esebagbon<sup>33</sup>, a Committee of the Whole cannot suspend any Standing Rules of the House because it is a creation of the House and therefore has no power to alter or vary the decision of a superior body.

### **2.7 Conference Committee**

A conference committee is a temporary, non-permanent legislative body set up to resolve conflicts between the two chambers of a bicameral legislature, such as Nigeria's Senate and House of Representatives, when they pass different versions of the same bill. Its primary task is to produce a single, unified version that both houses can agree upon.

This committee usually includes a limited number of legislators from each chamber, typically drawn from the committees that initially reviewed the bill.

The essential role of a conference committee is to bridge legislative differences between the two chambers. Specifically, it negotiates and harmonizes conflicting provisions in the bill, drafts a final report containing the agreed version, and submits the revised bill for approval by both houses, generally without allowing further changes.

In systems where laws must be passed by both chambers in identical form, the conference committee serves as an essential mechanism for legislative coordination. It ensures that despite initial disagreements, both houses can jointly endorse a consistent and coherent version of a proposed law.

### **2.8 Joint Committees**

In bicameral legislative systems, where lawmaking authority is divided between two distinct chambers, effective coordination is necessary to ensure smooth and coherent legislative action. One of the institutional mechanisms developed to foster inter-chamber collaboration is the joint committee. These committees are composed of members from both the upper and lower legislative houses and are established to handle matters that require joint attention or unified decisions. While the structure and function of joint committees differ across legislative systems, they generally serve to bridge gaps between the chambers and enhance efficiency in legislative business.

A joint committee is a legislative body that draws its membership from both houses of a bicameral parliament. Unlike standing committees, which are typically confined to one chamber, joint committees are formed to deliberate on issues that impact both chambers or require their combined input. Members are usually nominated by the leadership of each house, often based on proportional representation, party balance or subject-matter expertise. In many instances, such committees decision-making is based on consensus or majority agreement.

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<sup>32</sup> A. A Jimoh (note 33).

<sup>33</sup> (n.58).



In Nigeria, joint committees form an integral part of the National Assembly's functioning. The bicameral structure, comprising the Senate and the House of Representative, necessitates close cooperation between the two chambers. The Constitution, and the Standing Orders of both houses permit the formation of joint committees whenever required.

## **2.9 The 1922 Committee**

The 1922 Committee is a significant institution within the UK's Conservative Party, serving as a forum for backbench MPs to communicate their views to the party leadership. Established in 1923 following the 1922 general election, it has since evolved into a powerful body, influencing leadership contests, party cohesion, and internal policy debates<sup>34</sup>. This study examines its structure, functions, and impact on British politics.

### **2.9.1 The Evolution of 1922 Committee**

The committee takes its name from the group of Conservative MPs who, in 1922, played a decisive role in ending the coalition government led by David Lloyd George. Initially formed as a support group for newly elected MPs, it expanded in 1923 to include all Conservative backbenchers.<sup>35</sup> Over time, the committee gained a formalized role in party governance, particularly in leadership selection and internal discipline.

Although government ministers were once permitted to participate, the committee voted in 2010 to restrict membership solely to backbenchers, reinforcing its independence from the executive.<sup>36</sup>

### **2.9.2 Structure and Membership**

The committee is composed exclusively of Conservative backbench MPs and is led by an elected chairperson who represents their interests in discussions with party leaders. It also has an executive committee that organizes meetings and coordinates engagement with senior party officials.<sup>37</sup> Weekly meetings provide a forum for backbenchers to discuss party strategy, government policies, and parliamentary affairs.

### **2.9.3 Functions and Responsibilities of the 1922 Committee**

One of the primary roles of the 1922 Committee is to act as a conduit between backbench MPs and the party leadership. Through regular meetings, MPs voice their opinions on policy and party management, influencing the decision-making process<sup>38</sup>.

### **2.9.4 Leadership Elections and Confidence Votes**

The committee plays a central role in Conservative Party leadership contests. It oversees the nomination process and, crucially, has the authority to trigger a vote of no confidence if 15% of

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<sup>34</sup>S. Ball, *The Conservative Party since 1945* (Routledge 2013).

<sup>35</sup>P. Norton, *The British Polity* (Routledge 2016).

<sup>36</sup>T. Heppell, *The Conservative Party Leadership: From Heath to Cameron* (Manchester University Press 2020).

<sup>37</sup>T. Bale, *The Conservative Party: From Thatcher to Cameron* (Polity Press 2011).

<sup>38</sup>Norton, (n.7).



Conservative MPs submit letters requesting a change. This mechanism has been instrumental in leadership changes, including the resignations of Margaret Thatcher in 1990 and Boris Johnson in 2022.<sup>39</sup>

### **2.9.5 Party Unity and Discipline**

By providing a structured platform for internal discussions, the committee helps maintain party unity. Rather than airing grievances publicly, MPs can express concerns privately, reducing the likelihood of public dissent. This function proved particularly significant during Brexit negotiations when the committee provided a space for internal debate without undermining the government's position.

### **2.9.6 Political Influence and Criticism**

The committee's ability to initiate leadership changes has had significant implications for political stability. While some argue that it ensures accountability, critics contend that it has contributed to instability, particularly when multiple leadership contests occur in a short period<sup>40</sup>.

### **2.9.7 Controversies and Criticism**

The committee has been criticized for operating behind closed doors, raising concerns about transparency. Additionally, some argue that it grants excessive power to a relatively small group of MPs, allowing them to influence leadership decisions without broader party consultation.

The 1922 Committee remains a cornerstone of Conservative Party governance, ensuring backbench MPs have a voice in leadership decisions and policy discussions. While it has been both praised and criticized for its influence, it continues to shape the party's direction, reinforcing its importance in British politics.

## **3.0 HISTORICAL DEVELOPMENT OF THE COMMITTEE SYSTEM**

In both Nigeria and Britain the committee system has evolved over time, shaped by unique historical trajectory. While Nigeria's committee tradition traces back to the colonial era, it has developed through successive constitutional frameworks and democratic transitions. Britain's system, on the other hand, is rooted in centuries of parliamentary tradition. This study traces the historical development of committee systems in Nigeria from the colonial period through independence to the institutional reforms that culminated in the 1999 Constitutions.

The emergence of legislative committees in Nigeria can be traced to the colonial period,<sup>41</sup> particularly following the introduction of the Clifford Constitution in 1922. This constitution extended the legislative competence of the Lagos Legislative Council established in 1862, to include the Southern Protectorate and created a platform for early legislative practices.<sup>42</sup> Within this Council, rudimentary committees were formed to manage fiscal matters and provide advice to colonial administrators. These early committees, although restricted in scope, contributed significantly to the constitutional development of Nigeria.<sup>43</sup>

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<sup>39</sup>R. Alderman, 'The Conservative Leadership Crisis of 1990,' *Parliamentary Affairs*, (1992) (45)(2).

<sup>40</sup>*ibid*

<sup>41</sup> T.I. Ojo (note 57)

<sup>42</sup> S.G. Ehindero, *The Constitutional Development of Nigeria, 1849-1989* (Ehindero 1991).

<sup>43</sup> E. Okpanachi and A. Garuba, 'Federalism and Constitutional Change in Nigeria', *Federal Governance* (2010)



Subsequent constitutional developments, including the Richards Constitution of 1946 and the Macpherson Constitution of 1951 facilitated the creation of three regional legislative houses, the Northern, Western and Eastern Houses of Assembly. These regional bodies began to adopt more structured committee system that resembled British parliamentary practices. Committees during this era focused on areas such as finance, internal administration, and public petitions.<sup>44</sup> Though operating under colonial constraints, these committees allowed indigenous legislators to engage with parliamentary procedures and fostered the early institutionalization of committee work in Nigeria.<sup>45</sup> The 1954 Lyttleton Constitution introduced a federal structure into Nigeria's political system, conferring legislative competence on both the Federal and Regional Legislatures.<sup>46</sup> This development marked a significant step towards institutional decentralization and encouraged the emergence of committee frameworks at multiple legislative levels. Subsequently, in 1959, the establishment of the Nigerian Senate created a bicameral legislature at the federal level. This institutional shift enabled a more comprehensive adoption of parliamentary practices, including the further formalization of committee work in both legislative chambers.

Nigeria's attainment of independence in 1960, marked a significant shift toward self-governance, with a federal parliamentary structure modeled after the British Westminster system. The new National Assembly comprising the Senate and the House of Representatives, relied primarily on parliamentary Standing Orders for the establishment and regulation of committees, as the 1960 Constitution did not expressly provide for them. During this period, legislative committees gained prominence for scrutinizing public expenditures and working alongside the Auditor-General to ensure financial accountability. However, political instability and regional tensions limited the potential of the committee system during the First Republic.<sup>47</sup>

With the adoption of the 1979 Constitution, Nigeria transitioned to a presidential system of government. This constitution marked a turning point in the institutionalization of legislative committees by explicitly granting the National Assembly the authority to establish both standing and ad hoc committees under Section 58.<sup>48</sup>

This constitutional recognition represented a major institutional innovation. Embedding committee provisions in the constitution strengthened the legislature's oversight capacity and enhanced its role in public governance.<sup>49</sup> Thus, Nigerians adopted federalism as a means to manage conflicts and mutual suspicions among the diverse ethnic groups that constitute the Nigerian State.<sup>50</sup> The Second republic witnessed the formation of numerous Special, Joint, Standing and Ad hoc committees, including those on Appropriations, Agriculture, Education, and Foreign Affairs. These bodies were instrumental in examining budget proposals, monitoring

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(7)(1) Pages 1-14.

<sup>44</sup> T.I Ojo (note 57).

<sup>45</sup> Nigeria (Constitution) Order in Council, 1951, S. 91 (June 30, 1951), Nigeria Gazette Supplement (Jan-June 1951).

<sup>46</sup> Nigeria (Constitution) Order in Council, 1954, S. 51.

<sup>47</sup> 1960-1966.

<sup>48</sup> Section 58 Constitution of the Federal Republic of Nigeria 1979

<sup>49</sup> J.I. Elaigwu, *The Politics of Federalism in Nigeria* (Jos: AHA Publishing House, 2005).

<sup>50</sup> *ibid*



government departments, and reviewing public policies. This era was marked by heightened legislative engagement, although it was cut short by the military intervention in 1983.<sup>51</sup>

In 1999, Nigeria returned to a presidential system of Government.<sup>52</sup> The 1999 Constitution, which inaugurated the Fourth Republic, retained and reinforced committee provisions introduced in 1979. Section 62 empowers the National Assembly to establish committees for effective execution of legislative duties. Similarly, Section 103 enables State Houses of Assembly to form committees to support their functions.

The origins of parliamentary committees in Britain date back to the 14<sup>th</sup> century, when temporary committees were used to address specific administrative issues and public grievances. Jenkins<sup>53</sup> explains that although these committees were temporary and narrow in function, they provided a forum for detailed examination of legislative concerns that could not be adequately addressed in plenary sessions.

As Britain's imperial and economic responsibilities expanded, the use of committees became more structured and widespread. The 18<sup>th</sup> and 19<sup>th</sup> centuries witnessed the emergence of committees focused on finance, military affairs, and trade. Elton<sup>54</sup> notes that administrative reforms dating back to the Tudor period laid the groundwork for the evolution of standing committees capable of sustained legislative inquiry.

A major milestone occurred in 1861 with the establishment of the Public Accounts Committee, tasked with auditing government expenditures and enhancing financial transparency. This committee, a key innovation of its time, institutionalized legislative oversight over the executive's fiscal activities and continues to play a central role in British governance.

The British Parliament is a bicameral legislature consisting of the House of Commons (elected lower chamber), and the House of Lords (appointed and hereditary upper chamber)<sup>55</sup>. This structure has evolved over centuries, reflecting the constitutional traditions and democratic growth of the United Kingdom. Members of the House of Commons (MPs) are directly elected from constituencies across the UK, whereas the Lords comprises life peers appointed by the Crown on the advice of the Prime Minister, bishops of the Church of

England, and hereditary peers, although the latter's number significantly reduced under the House of Lords Act 1999.<sup>56</sup>

The most notable transformation of the British committee system occurred in 1979 with the introduction of departmental select committees in the House of Commons. These committees, each corresponding to a government department, were granted broad mandates to examine departmental policies, administration, and spending. Typically consisting of 11 members drawn proportionally from various political parties, departmental select committees significantly

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<sup>51</sup> R. Suberu (note 91)

<sup>52</sup> C.A. Ogonnia, *Banana Peel: The Burden of Legislature in Nigeria* (Catholic Institute for Development, Justice and Peace 2009).

<sup>53</sup> T.A. Jenkins, *Parliament, Party and Politics in Victorian Britain* (Manchester University Press, 1996).

<sup>54</sup> G.R. Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge: Cambridge University Press 1953).

<sup>55</sup> P. Cowley, *The British General Election of 2010* (Palgrave Macmillan 2012).

<sup>56</sup> C. Turpin, and A. Tomkins, *British Government and the Constitution: Text and Materials* (7<sup>th</sup>edn. Cambridge: Cambridge University Press 2011).



enhanced Parliament's capacity to hold the executive accountable. Kelso,<sup>57</sup> asserts that these reforms revitalized parliamentary scrutiny and brought greater transparency to the legislative process.

Despite their progress, parliamentary committees in Britain face limitations. Unlike the United States Congress, British committees cannot compel compliance from ministers who are protected by collective cabinet responsibility. Their strength lies in moral authority, expert analysis, and publicity, which often influence public opinion and policymaking indirectly.<sup>58</sup> To enhance effectiveness, the British Parliament has introduced procedural reforms, such as electing committee chairs by secret ballot, increasing media coverage of committee hearings, and ensuring cross-party representation. These measures have helped to professionalize committee work and depoliticize sensitive inquiries.<sup>59</sup>

Despite the critical role committees play and their contribution to the development and enhancement of legislative business under the presidential constitution, the committee system in Nigeria still faces numerous challenges that hinder its effectiveness. It is therefore compelling to carry out this research to examine the committee system, its effectiveness, and the challenges faced by the committee system under Nigeria's presidential constitution. By studying and comparing it with the system in the UK under the parliamentary system, it is hoped that the research will analyse and evaluate the committee system, identify its challenges, and thereafter provide suggestions and recommendations to fulfill its intended role and functions, and also enhance its effectiveness.

### **3.1 Checks and Balances, and the Committee System**

The concept of checks and balances is a cornerstone of democratic governance, ensuring that no single branch of government becomes too powerful. Within this framework, the committee system plays a vital role in legislative bodies by providing a detailed review and oversight of proposed laws and governmental actions. This study examines the interrelationship between checks and balances and the committee system, particularly focusing on their function within the Nigerian presidential constitution and the British parliamentary system.

The theory of checks and balances originates from the works of political philosophers like Montesquieu, who argued for the separation of powers among different branches of government. Montesquieu<sup>60</sup> posits that each branch, executive, legislative, and judiciary should have mechanisms to limit the powers of the others, ensuring a balanced distribution of power and preventing tyranny.

Committees are sub-groups within legislative bodies tasked with specific functions such as drafting, amending, and scrutinizing bills, as well as overseeing government activities. The

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<sup>57</sup> A. Kelso (note 7).

<sup>58</sup> *Ibid.* In order to enhance effectiveness, the British Parliament has introduced procedural reforms, such as electing committee chairpersons by secret ballot, increasing media coverage of committee hearing and ensuring cross-party representation.

<sup>59</sup> House of Commons Library (note 10)

<sup>60</sup> C. Montesquieu (note 24).



committee system enhances legislative efficiency by allowing for specialized attention to various aspects of governance, thereby ensuring thorough deliberation and oversight.<sup>61</sup>

### 3.2 Nigerian Presidential Constitution and the Committee System

The Nigerian presidential constitution serves as the supreme legal framework guiding the country's political and governance structures. Central to this framework is the legislative branch, comprising the National Assembly and State Houses of Assembly. Within these legislative bodies, the committee system plays a critical role in the effective functioning of the legislature. Committees are essential for detailed legislative scrutiny, oversight of executive actions, and public engagement, ensuring that laws and policies reflect the yearnings and aspirations of the populace.<sup>62</sup>

Both the Independence and Republic Constitutions of 1960 and 1963 were Parliamentary Constitutions with no express provision for Committees in the Legislature. The only mention of committees was in relation to the “right of attendance of Ministers” provided for in the following manner:

Section 48(1) Constitution of the Federal Republic of Nigeria 1963

A Minister of the Government of the Federation may attend and take part in the proceedings of either House of Parliament notwithstanding that he is not a member of that House,

‘(2)Nothing in this section shall entitle any person who is not a member of a House of Parliament to vote in that House or any of its Committees’.

The reference to committees in Section 48(2) was the only constitutional mention of the committee system, with no provision for their powers, functions, or relationship to the Parliament. It could be assumed that the formation of the committees in parliament was intended, even with such limited constitutional direction or provision.

In 1979, Nigeria dumped the British parliamentary system of government in favour of the presidential system modeled after the United States. The Presidential Constitutions of 1979, and 1999 respectively, expressly included legislative committee system in their provisions<sup>63</sup>. As follows:

The Senate or the House of Representatives may appoint a Committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a Committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such Committee

Nigerian Presidential Constitution is a federal Constitution, modeled after the United States, which establishes a federal system of government characterized by separation of powers among the three branches of government, namely; the Executive, Legislature, and Judiciary<sup>64</sup>

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<sup>61</sup> M .Kenny, *Select Committees and Public Policy* (Cambridge University Press 2021).

<sup>62</sup> K. Wenibowei (note 1)

<sup>63</sup> Sections 58 CFRN 1979 and Section 62(1) CFRN 1999

<sup>64</sup> CFRN 1999 (note 2) Sections 4(1) & (6), 5(1)(a), 5(2)(1) and Section 6(1) & (2).



Legislative Committees have been described by several authors and scholars in different ways. For example, they have been described variously as ‘microcosm of the legislature’<sup>65</sup>, ‘the factory production lines of the legislature’<sup>66</sup>. It is also documented that Woodrow Wilson had described Committees of the United States Congress as “little legislatures”<sup>67</sup>

One of the major features of presidential system of government which Nigeria operates, is the committee system<sup>68</sup>.

In recognition of the central roles committees play in enhancing legislative effectiveness, Section 62(1) of the 1999 Constitution, provides as follows:

The Senate or the House of Representatives may appoint a Committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

As posited by Akande,<sup>69</sup> given the size of House of representatives, it is unfeasible for the entire House to thoroughly address every issue that may necessitate legislation. Additionally, some matters require in-depth and specialized investigation. To manage this, the Constitution permits the use of parliamentary committees, smaller groups of members appointed for specific or occasionally broad functions.

As previously mentioned, the committee system is a central feature of the Presidential system of government, which Nigeria has adopted, modeled after the United States presidential system. In contrast, parliamentary systems, such as those based on the Westminster model, function differently. In these systems, the prime minister and other ministers are elected members of parliament. R. Esebagbon,<sup>70</sup> submits that in a parliamentary system, the executive is an integral part of the legislature, actively engaging in debates, responding to opposition inquiries, and clarifying government policies. This continuous interaction reduces the necessity for political parties to conduct extensive independent research on legislative proposals.

Several factors contribute to this dynamic:

- i. **Direct Access to Government Explanations** – Since ministers are always available in the House to answer questions, opposition parties often rely on immediate responses rather than conducting their own in-depth studies.

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<sup>65</sup> J.P. Macintosh, *The Government and the politics of Britain* (1st edn, London, Huchington, 1982).

<sup>66</sup> L. Hamalai (note 59).

<sup>67</sup> W. Woodrow, *Congressional Government: A Study in American Politics*, (Boston: Houghto, Mifflin, 1885); M.C. Cumming, and D. Wise, *Democracy Under Pressure: An Introduction to the American Political System* (8<sup>th</sup>edn. Orlando:F.L Harcourt Grace and Company 1997).

<sup>68</sup> R. Esebagbon, (note 56).

<sup>69</sup> J. Akande (note 60).

<sup>70</sup> R. Esebagbon (note 56).



- ii. **Focus on Immediate Debate Over Long-Term Analysis** – The real-time nature of parliamentary debates encourages parties to react quickly to government positions rather than systematically analyzing policies over extended periods.
- iii. **Influence of Party Discipline** – Strong party structures mean that much of the policy scrutiny is handled by leadership, while individual legislators follow the party's stance without necessarily conducting detailed research themselves.
- iv. **Expedited Legislative Process** – Compared to systems with lengthier deliberation periods, parliamentary procedures can move swiftly, leaving limited time for parties outside the government to conduct detailed investigations into proposed measures.
- v. **Dependence on Government Briefings** – Since governments provide official reports, white papers, and impact analyses, opposition parties often rely on these sources, reducing the incentive for separate, independent research.

Although parliamentary committees play a role in legislative scrutiny, the government's constant presence in the legislature fosters a setting where immediate debate takes precedence over deeper, research-driven examination of policy proposals. As a result, legislative committees in parliamentary systems, tend to have less influence and authority in the law-making process compared to their counterparts in presidential systems.

In a presidential system, the separation of powers is more pronounced. For example, Ministers are not members of the legislature. Instead, government powers are divided among three distinct branches of government; each branch operating independently but in coordination with the others, ensuring a balance of power and preventing any one branch from becoming too dominant. This separation of powers enhances the role and authority of legislative committees, allowing them to conduct thorough investigations and provide detailed scrutiny of government policies and programmes.

### 3.3 British Parliamentary System and the Committee System

The British parliamentary system, often referred to as the Westminster system, is a governance model which has been adopted by many countries globally. It features a sovereign parliament and a dual executive, comprising the monarch as the head of state and the prime minister as the head of government. A critical component of this system is the committee system, which plays a pivotal role in enhancing scrutiny, government oversight, accountability, and policy development.

In the British parliamentary system, the monarchy functions within a constitutional framework, and the Monarch's role is largely ceremonial, with real political power vested in the Prime Minister, and other elected representatives. His or her duties include the formal opening of parliament, granting Royal assent to legislation, and representing the state at official events.<sup>71</sup>

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<sup>71</sup> P. Norton (note 5)



As previously explained, the British parliament is bicameral, consisting of the House of Commons and the House of Lords, each with distinct roles in the legislative process. The House of Commons, as the lower house, is the primary legislative body, composed of Members of Parliament (MPs) who represent constituencies across the UK, elected by the public in a general election. The government, led by the Prime Minister, is formed by the political party that secures the majority of seats in the House of Commons. The House of Commons is responsible for debating and passing legislation, as well as scrutinizing government policies, and representing public interests.<sup>72</sup>

The House of Lords serves as the upper chamber of parliament, comprising appointed members, including life peers, bishops, and hereditary peers. The basic functions of the House of Lords are to review and revise legislation proposed by the House of Commons, provide expertise, conduct in-depth examination of public policy, and hold the government accountable<sup>73</sup>.

The Prime Minister, is the chief executive and is responsible for running the country, and implementing the laws passed by Parliament. He is supported by a Cabinet consisting of some senior ministers selected from the MPs from the ruling party, whose duties include setting government policy and making key decisions on national issues.<sup>74</sup>

Parliamentary committees are instrumental in the legislative process, oversight of government actions, policy scrutiny, detailed examination of legislation, and investigation of specific issues. Different types of committees exist within the British parliament, each with distinct roles and responsibilities. In the UK, select Committees are generally exclusive to the House of Commons or the House of Lords, rather than including members from both chambers. Select committees of the House of Commons focus on specific government departments or policy areas, conducting inquiries, scrutinize the work of government departments and agencies. They investigate specific areas of public policy, administration, and expenditure. For example, the Public Accounts Committee (PAC) examines the economy, efficiency and effectiveness of government spending.<sup>75</sup> The Joint Committees consist of members from both the House of Commons and the House of Lords. These committees address issues that affect both houses, such as human rights, national security, and draft legislation.<sup>76</sup>

Parliamentary committees play a crucial role in the legislative process and the oversight of government actions. They allow for detailed examination and discussion of policy issues that would be impossible to achieve in full parliamentary sessions.<sup>77</sup> Committees examine the details of proposed legislation, considering its implications and potential impacts. They gather evidence from experts, stakeholders, and the public to inform their recommendations. This process helps to ensure that laws are well-crafted and effective.

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<sup>72</sup> M. Flinders (note 144)

<sup>73</sup> M. Russell and D. Gover, *Legislation at Westminster: Parliamentary Actors and Influence in the Making of British Law* (Oxford University Press 2017).

<sup>74</sup> B. Yong and R. Hazell, *Special Advisers: Who They Are, What They Do and Why They Matter* (Hart Publishing 2014).

<sup>75</sup> S.D. Smith and R. Brazier, *Constitutional and Administrative Law* (Penguin 1998).

<sup>76</sup> M. Russell and D. Gover, (note 157).

<sup>77</sup> *ibid*



Committees hold the government to account by scrutinizing its actions and policies. They also conduct inquiries into specific issues, gather evidence, and produce reports with recommendations for improvement. This oversight function is vital for maintaining transparency and accountability in government.<sup>78</sup>

Parliamentary committees are instrumental in the legislative process, government oversight, and policy scrutiny in Britain. Select committees, comprising MPs from different parties, focus on specific government departments or policy areas, conducting inquiries and holding ministers accountable. Joint committees with members from both houses of parliament, address cross-cutting issues and facilitate cooperation between the House of Commons and the House of Lords. Public Bill committees examine legislation in detail, making amendments before full House debates.<sup>79</sup>

#### 4.0 CONCLUSION

The committee system enhances parliamentary scrutiny, fosters public engagement, and contributes to evidence-based policy-making. By conducting inquiries, hearing expert testimonies, and producing reports with recommendations, parliamentary committees play a crucial role in shaping government policies and ensuring accountability. The work of committees underscores the importance of transparency, responsiveness, and public participation in the governance process.<sup>80</sup>

The British parliamentary system and the committee system are integral components of British governance framework, embodying democratic values, constitutional principles, and accountability mechanisms. The historical evolution of the British Parliament reflects a commitment to parliamentary sovereignty, rule of law, and representative democracy. The structure and functions of the House of Commons, the House of Lords, and parliamentary committees underscore the importance of effective law-making, government oversight, and public engagement in modern governance.<sup>81</sup>

Parliamentary committees, through their inquiries, reports, and recommendations, contribute to the development of sound policies, hold the government accountable, and promote transparency in decision-making. The British Parliamentary system continues to adapt to contemporary challenges, upholding its role as a beacon of democratic governance.<sup>82</sup> The study concludes that each system offers valuable lessons. For Nigeria, the British model underscores the importance of a responsive and accountable executive constrained not only by law but also by robust institutions, *a fortiore*, Committees in Parliament, and political culture. Conversely, the Nigerian experience offers insight into the necessity of codified constitutional provisions to define and limits of, and checks on executive powers with clarity. Strengthening oversight institutions – in this case, the Committees in the National Assembly – fostering adherence to democratic norms, and promoting transparency are essential steps toward improving executive accountability.

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<sup>78</sup> Yong and Hazell (note 158).

<sup>79</sup> S. Wager, *The Politics of Coalition* (Manchester University Press 2019).

<sup>80</sup> H. Young, *The House of Lords in the Age of Reform, 1784-1837* (Cambridge University Press 2015).

<sup>81</sup> J.P Campbell, *The British Constitution: Continuity and Change* (Cambridge University Press 2014).

<sup>82</sup> T. Young, *Parliament and the Law* (Hart Publishing 2016).



Ultimately, the effectiveness of executive power lies not merely in constitutional text, but in the political will to uphold democratic principles, the vibrancy of oversight mechanisms, and the maturity of the institutions that support the rule of law.