

NATIONAL ASSEMBLY SERVICE ACT, 2021

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NATIONAL ASSEMBLY SERVICE ACT, 2021

AN ACT to establish the National Assembly Service, and its governing body, to provide services and support for the National Assembly, and for connected matters.

ENACTED by the President and the National Assembly.

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PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Assembly Service Act, 2021.

2. Interpretation

In this Act –

“Authority” means the National Assembly Authority established under section 3 of this Act, pursuant to section 111 (2) of the Constitution;

“Clerk” means the Clerk of the National Assembly appointed by the National Assembly, pursuant to section 94 (1) of the Constitution;

“Committee” means a Select Committee, a Special Select Committee or a Standing Committee of the National Assembly;

“Constitution” means the Constitution of the Republic of The Gambia, 1997;

“financial year” means a year of twelve months, starting on the first day of January and ending on the thirty-first day of December for which a Government Budget is approved, executed, reported on and audited;

“National Assembly” means the National Assembly of The Gambia, as defined in section 2 of the Interpretation Act;

[Cap. 4:01]

“office” means an office in the public service, and includes an office in the National Assembly Service, but does not include the office of Speaker, Deputy Speaker or member of the National Assembly;

[section 166 (4) (2) of the Constitution]

“public service” means a service declared to be, or established as, a public service, by or under section 166 of the Constitution; and

“Service” means the National Assembly Service established under section 3 of this Act.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL ASSEMBLY SERVICE AND THE NATIONAL ASSEMBLY AUTHORITY

3. Establishment of the National Assembly Service

(1) There is established by this Act, the National Assembly Service in the public service.

(2) The Service is a body corporate with perpetual succession and a common seal and may –

- (a) sue and be sued in its corporate name;
- (b) enter into contracts and acquire, hold and dispose of property;
- (c) do such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done by a body corporate.

(3) The common seal of the Service shall be authenticated by the signature of the Clerk, or such other member of the Service as may be authorised by the Clerk in writing to sign on behalf of the Service.

(4) A document bearing the imprint of the common seal of the Service is deemed to be properly sealed, unless the contrary is proved.

(5) In the performance of its functions under the Constitution or any other law, the Service shall be independent of, and not be subject to the direction or control of any person or authority.

4. Functions of the Service

The Service shall –

- (a) provide services and support for the National Assembly and its Committees;
- (b) provide members of the National Assembly with facilities for the drafting of Bills;
- (c) provide a mechanism for recording proceedings of the National Assembly;
- (d) maintain a library and other research facilities for the use of the members of the National Assembly;
- (e) provide members of the National Assembly with such reasonable information from the relevant Government ministry, department or agency as may be required; and
- (f) provide such other service as the National Assembly may determine by resolution or as the Authority may prescribe by Regulations made under this Act.

5. Establishment of the National Assembly Authority

(1) There is established by this Act, the National Assembly Authority, as the governing body of the Service.

(2) The Authority shall consist of –

- (a) the Speaker, who shall be the Chairperson;
- (b) four other members of the National Assembly, who shall be appointed by the Speaker, acting in accordance with the advice of a Committee of the National Assembly; and
- (c) the Clerk of the National Assembly, who shall be its Secretary.

[section 111 (2) of the Constitution]

(3) A member of the Authority shall vacate office –

- (a) upon resignation from the Authority;
- (b) upon the dissolution of the National Assembly;
- (c) If he or she ceases to be a member of the National Assembly;

- (d) if he or she fails to attend three consecutive meetings of the Authority without notice to the Chairperson or Secretary; or
- (e) if he or she has been removed by a resolution of the National Assembly.

6. Functions of the Authority

The Authority shall –

- (a) exercise general supervision over the Service;
- (b) consider and approve the prepared financial estimates of the National Assembly;
- (c) promote the welfare of members of the National Assembly and members of the Service;
- (d) review the annual report of the Service submitted to it by the Clerk and present it to the National Assembly; and
- (e) undertake any other function assigned to it by the National Assembly.

7. Meetings of the Authority

(1) The Authority shall meet at least once in every month at such time and at such place as the Chairperson may determine.

(2) A meeting of the Authority may be convened by the Chairperson, or following a request in writing to the Secretary from three other members of the Authority addressed to all members of the Authority.

(3) The Chairperson shall preside at meetings of the Authority at which he or she is present, and in his or her absence the members of the Authority present at a meeting shall appoint another member of the Authority to preside.

(4) The Authority shall take a decision by a majority of members present at that meeting.

(5) The quorum at a meeting of the Authority shall be three members.

(6) A member of the Authority, who is not physically present at a meeting, may participate in the taking of a decision, including the making of a resolution, by electronic means.

(7) The Chairperson or other member of the Authority presiding at a meeting shall not have a casting vote.

(8) Where there is an equality of votes on a question before a meeting of the Authority, the question shall not be carried.

(9) The Chairperson or other member presiding at a meeting of the Authority shall –

- (a) cause the minutes of the meeting to be recorded; and
- (b) sign the minutes of the meeting after confirmation by the Authority.

(10) The Authority may co-opt a qualified person as adviser on the area of his or her expertise at a meeting of the Authority.

(11) A person co-opted by the Authority shall be paid such allowance as the Authority may determine, but he or she shall not have the right to vote at a meeting of the Authority.

(12) The validity of any proceedings of the Authority shall not be affected by –

- (a) a vacancy among its members;
- (b) a defect in the appointment of any of its members; or
- (c) the fact that a person, who is not entitled to do so, took part in the proceedings.

8. Committees of the Authority

(1) The Authority may establish Committees, including ad-hoc Committees to perform such functions as the Authority may determine.

(2) A Committee may consist of such –

- (a) members of the Authority;
- (b) non-members of the Authority; or
- (c) members and non-members of the Authority,

as the Authority may determine.

(3) A Committee shall submit a report of each of its proceedings to the Authority.

(4) In this section, "Committee" means a Committee established by the Authority.

PART III – APPOINTMENT OF MEMBERS, ORGANISATION OF THE SERVICE AND ANCILLARY MATTERS

9. Appointment of the Clerk and other members of the Service

(1) The members of the Service shall be appointed by the National Assembly after consultation with the Public Service Commission.

[section 111 of the Constitution]

(2) The National Assembly may delegate by resolution to the Authority, its power to appoint members of the Service, except for the appointment of the Clerk.

(3) The Authority may sub-delegate in writing to the Clerk, the power to appoint members of the Service, except for the appointment of the Deputy Clerks, Directors, and staff on Grades 9, 8, 7, 6, 5 and 4.

(4) The Clerk may only be removed from office by the National Assembly in accordance with the Public Service Act and any subsidiary legislation made under this Act.

[Cap. 36:10]

10. Organisation of the Service

(1) The Clerk is the administrative head of the Service.

[section 111 (3) of the Constitution]

(2) The Clerk shall be assisted in the performance of his or her functions by at least two Deputy Clerks.

(3) The Service shall have such other staff, including Directors, as the Authority may consider appropriate for the proper and efficient performance of the functions of the Service.

(4) The Authority may establish such departments or offices in the Service as it may consider necessary or expedient for the efficient performance of the functions of the Service.

(5) The members of the Service shall be non-partisan at all times.

11. Functions of the Clerk

- (1) As administrative head of the Service, the Clerk shall –
- (a) manage the day-to-day affairs of the National Assembly and the Service;
 - (b) discipline and control the other staff of the Service in accordance with the applicable rules;
 - (c) implement the decisions of the National Assembly and the Authority;
 - (d) maintain an assets register to ensure the proper management, maintenance and protection of the assets of the Service; and
 - (e) manage the funds, property and business of the service.
- (2) Without prejudice to sub-section (1), the Clerk shall –
- (a) be the Vote Controller of the National Assembly;

[section 28 (3) of the Public Finance Act, 2014]
 - (b) prepare an annual report of the activities, property and finances of the Service and submit it to the Authority; and
 - (c) perform such other function as may be assigned to him or her by the National Assembly or the Authority.

PART IV – FINANCIAL PROVISIONS

12. Funds of the Service

- (1) There is established for the Service, at the Central Bank of The Gambia, an account, into which shall be paid –
- (a) moneys appropriated by an Act of the National Assembly for the National Assembly Service; and
 - (b) any additional funds for the Service.

(2) The administrative and other expenses of the Service, including emoluments payable to members of the Service, shall be met from moneys appropriated by an Act of the National Assembly for the National Assembly Service and be a charge on the Consolidated Fund.

(3) The Authority may receive gifts and donations from other lawful sources and authorise commercial use of the National Assembly precinct, to provide additional funds for the Service.

(4) The Service shall be self-accounting, and the moneys charged on the Consolidated Fund or appropriated by an Act of the National Assembly for the Service, shall be paid by the Accountant General to the Vote Controller of the National Assembly as required by him or her.

13. Submission of estimates of expenditure to the President

(1) The Clerk shall prepare and submit the annual estimates of expenditure of the National Assembly Service for the following financial year directly to the President, for presentation to the National Assembly.

(2) The President shall cause the estimates to be placed before the National Assembly without amendment, but may attach to the estimates his or her comments and observations.

14. Estimates, accounts and audit

(1) The Service shall keep proper records and books of accounts of the income, expenditure and transfers of the National Assembly in accordance with a reporting standard approved by the Auditor General.

(2) The Service shall –

(a) prepare, in respect of each financial year, a statement of accounts; and

(b) within three months after the end of each financial year, submit its statement of accounts to the Auditor General for auditing.

(3) The audited Accounts of the Service and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

15. Annual Report

- (1) The Clerk shall, within three months after the end of each financial year prepare an annual report of the activities, property and finances of the Service and submit it to the Authority.
- (2) The report shall include details of –
 - (a) the income, sources of income and application of the funds of the Service; and
 - (b) the administration and operations of the Service.
- (3) The Authority shall –
 - (a) within one month of receiving the report, lay it before the National Assembly for consideration; and
 - (b) publish the report at such time and in such manner as the National Assembly may determine.

PART V – MISCELEANOUS

16. Regulations

- (1) The Authority may, after consultation with the Public Service Commission, make Regulations generally providing for the effective and efficient administration and operations of the Service.
- (2) Without prejudice to the generality of sub-section (1), Regulations made may provide for –
 - (a) the establishment, abolition or reclassification of such departments or offices in the Service as the Authority may consider appropriate for the efficient performance of the functions of the Service;
 - (b) the emoluments, terms and conditions of service for staff in the Service; and
 - (c) the grounds and procedures for the dismissal, suspension, or termination of the services of a member of the Service.

17. Savings

Subject to the Constitution, on the day when this Act comes into force –

- (a) the National Assembly Service and the National Assembly Authority which were existing immediately before that day by virtue of section 111 (1) of the Constitution continue to be in existence;
- (b) there is no break or interruption in the operation of the Service or the Authority because of the enactment of this Act;
- (c) the Clerk and other members of the National Assembly Service appointed before the commencement of this Act shall remain members of the Service as if they were appointed under this Act;
- (d) any document duly made or thing duly done by the Clerk of the National Assembly or a person acting on behalf of the Clerk of the National Assembly before the commencement of this Act shall remain valid as if it was duly made or duly done under this Act;
- (e) all assets, funds, resources and other moveable property which before the commencement of this Act were vested in the National Assembly shall remain vested in the National Assembly as if they were vested under this Act; and
- (f) all rights, interests, obligations and liabilities of the National Assembly existing before the commencement of this Act under any contract or instrument or in law or equity shall remain vested in the National Assembly as if they were vested under this Act.