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AN APPRAISAL OF THE LEGAL FRAMEWORK FOR LEGISLATIVE DRAFTING IN NIGERIA: PRINCIPLES, PRACTICES AND PROSPECTS

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Abstract

Legislative drafting is the process through which policy proposals put forward by legislators, policy-makers and other stakeholders are converted into legislative bills which subsequently become Acts of Parliament, if they successfully pass through all the law-making stages and are assented to by the President. The legislative process entails bills undergoing sequential stages of drafting from the initial policy instructions to the final assent by the President. Using the doctrinal research methodology, this article examined the legal framework for legislative drafting in Nigeria, highlighting the core principles, operational practices and future prospects of legislative drafting in Nigeria. It reviewed the constitutional foundations of legislative drafting under the 1999 Constitution and the statutory guidance provided by the Interpretation Act, amongst others. It identified some systemic challenges flowing from inadequate legal framework, such as poor capacity, ambiguous language and institutional friction. The article also touched on the roles of bodies like the National Assembly Legal Drafting Department, the Legal Drafting Department of the Federal Ministry of Justice, the National Institute for Legislative and Democratic Studies (NILDS) the Nigerian Institute of Advanced Legal Studies (NIALS) and the Nigeria Law Reform Commission (NLRC). Ultimately, the article provided strategic recommendations for inclusion in a comprehensive legal framework or standard handbook, which should, among other things, establish a supervisory and monitoring body to oversee the legislative drafting discipline and practice in Nigeria; recognise the practice as a separate and distinct field of law; adopt modern plain language drafting standards and automated drafting technologies; and institutionalise capacity building to enhance statutory clarity and promote sustainable democratic governance.

Keywords: Legislative Drafting, Legal Framework, Nigeria, Constitutional Law, Legislative Process

Introduction

Legislative drafting is the specialized process of converting government policies and societal needs into clear, binding and enforceable legal instruments. In Nigeria's constitutional democracy, the quality of legislation directly impacts governance, societal development, economic stability and the rule of law. Poorly drafted laws which are as a result of poor drafting instructions, poor stakeholders' consultation, inadequate research, and poor manpower capacity and expertise, often result in judicial disputes, administrative confusion, and implementation and enforcement failures. Conversely, high-quality legislative drafting ensures that laws are accessible, predictable and effective, and ultimately enhance justice delivery.

Legislative drafting and legislation have their constitutional and statutory foundation in the Constitution of the Federal Republic of Nigeria, 1999¹, which is the ultimate authority for law-making in Nigeria. The institutional framework for law making in Nigeria is the legislature with it taking on key roles in the new democratic order, after a long era of military leadership. The Constitution of Nigeria is the basis for legislative authority. It empowers the National Assembly to make laws for the peace, order and good government of the federation². Citizens and the public can engage with the legislative process by understanding the process, voicing their opinions to their representatives, and attending public hearings, which strengthens transparency and accountability.

The Constitution, vests the legislative powers of the Federal Republic in the National Assembly (the Senate and House of Representatives) and those of the States in the respective States Houses of Assembly; also outlines the exact procedures for exercising these law-making powers by the National Assembly and States Houses of Assembly³. The Second Schedule sets strict boundaries through the exclusive and concurrent legislative lists⁴. A legislative drafter must ensure that a bill does not exceed these constitutional jurisdictions, as any law conflicting with the Constitution is void to the extent of its inconsistency⁵. The Interpretation Act of 1961⁶, serves as the primary statutory guide, providing standard definitions, rules of construction and operational guideline, streamlining the length and complexity of drafts. Sections 58 and 100 which, as earlier stated, outline the procedures for translating government policy into clear, unambiguous and constitutionally valid statutes, are guided fundamentally by the Interpretation Act.

This paper also attempts to address several critical issues facing Nigeria's legislative drafting and process. Nigeria's legislative drafting system is currently challenged by the shortage of skilled and experienced legislative drafters which negatively affects the quality of legislations passed by the National Assembly and State legislatures. This shortage is compounded by the inadequacy of formal legislative drafting education in Nigerian universities, and other allied institutions. limiting capacity building in this specialised and distinct field. Poor legislative drafting contributes to ambiguities, inconsistencies and unintended consequences in Nigerian laws, undermining governance, economic development and public trust⁷.

Legal Framework for Legislative Drafting in Nigeria

¹ Hereinafter simply referred to the 1999 Constitution, the Constitution or CFRN.

² Section 4 (2) of the 1999 Constitution.

³ SS 58 and 100 of the Constitution.

⁴ Constitutional law creates a third list, called the Residual List, which is meant for items not listed in neither the Exclusive nor Concurrent Legislative Lists (the residue items).

⁵ Section 1 (3) of 1999 Constitution.

⁶ Cap. I23, Laws of the Federation of Nigeria, 2004.

⁷ Legislations must therefore be clear and capable of only one interpretation. See *Tuck & Sons v Priester* (1887) 19 QBD 629; and *State v Disu Bakare* (1985) HC HLR 466. See also the *Contra Proferentum* doctrine.

In Nigeria, the legal framework for drafting legislation is founded on constitutional and statutory provisions, as well as institutional regulations. The aggregation and community usage of these laws and institutions have been the governance framework for legislative drafting, even though the different laws and institutions have their core focus, leaving legislative drafting to tangential treatment. These include –

The 1999 Constitution: This is the supreme law of Nigeria and the ultimate source of law-making power. The Constitution sets the foundation for legislative drafting. It establishes the institutional framework for law-making, grants legislative authority and dictates the way a bill is to be passed by the National Assembly or the States Houses of Assembly. Legislative drafters are therefore duty bound to conduct thorough constitutional compliance checks so as to ensure that no clause in a draft bill infringes on constitutional rights and powers. The Constitution vests the power to make laws, or the legislative powers, in the legislature⁸. It also provides how such laws shall be made:

The power 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 by subsection (5) of this section, assented to by the President⁹.

The Constitution also provides the scope of authority with regards to the exclusive and concurrent legislative lists¹⁰. It provides for the scope of power between the federal and state governments, prescribing which tier can draft legislation on what subject matter.¹¹ The section defines the broad mandate of any bill to be drafted which must not contradict the Constitution. Legislative drafters must carry out extensive research before drafting so as not to go against constitutional requirements. The Constitution also ensures that legislative drafters do not draft clauses within a bill that ousts the jurisdiction of the courts or shield legislative actions from judicial review¹². As pointed out earlier, the Constitution also outlines the specific legislative powers and procedures for passing bills into law at both the Federal (National Assembly) and State (Houses of Assembly) levels¹³.

The Interpretation Act¹⁴: This is the primary statutory guide for construing legislation in Nigeria. While the Constitution provides the scope of powers and structural boundaries to legislation, the Interpretation Act provides the linguistic and semantic framework for legislation. It serves as a statutory rulebook and guideline ensuring brevity, precision, consistency and uniform standards across all drafted legislation. The Interpretation Act governs how laws must be written and understood. It guides drafters on issues, terms or other phrases that form or do not form part of an enactment. For example, it provides that:

Punctuation forms part of an enactment, and regard shall be had to it accordingly in construing the enactment¹⁵.

On the other hand, it provides that:

A heading or marginal note to an enactment does not form part of the enactment and is intended for convenience of reference only¹⁶.

⁸ See fn 4

⁹ S.58(1) of the Constitution

¹⁰ See Parts I and II of the Second Schedule to the Constitution.

¹¹ *Ibid*

¹² S. 6 of the Constitution.

¹³ See fn 5

¹⁴ Cap. I23, Laws of the Federation of Nigeria, 2004.

¹⁵ S.3(1) of the Interpretation Act.

It provides rules regarding: definitions¹⁷, gender¹⁸, number¹⁹, time²⁰ and the commencement dates of statutes²¹. The Act further provides a framework for drafting delegated and subsidiary legislations. Drafters often draft bills that give a minister or an agency head the power to make regulations. Accordingly, the Act provides the legal framework for how such delegated power must be drafted, exercised, published and revoked²², ensuring that such subsidiary legislation or instrument does not exceed the powers granted by the principal Act.

The Interpretation Act is very important as it governs the effect of repeals and saving clauses²³. When a drafter is drafting a bill that is meant to replace an existing law, the Act ensures that repealing an old law does not inadvertently cancel existing rights, ongoing court cases or penalties incurred under the old law unless the new law expressly states so. The Interpretation Act is of great importance in drafting as it deals with how legislation is to be construed by the courts, and how legislation is to be interpreted as intended by the drafter. The Act is central to drafting as it contains rules of law that deal with the form, language, syntax, the application and operation of legislation, and its construction and interpretation. The Interpretation Act guides drafters towards adopting specific drafting practices knowing that they are backed by the rules of law in the Act. The Act enables legislative drafters to adhere to a common legislative form or style; achieve greater standardisation in legislative expression and language; achieve greater consistency between statutes; reduce repetition in legislation by using defined expressions in the Act; shorten and simplify legislative texts; and prevent doubts and ambiguity in interpretation by utilising particular expressions or provisions²⁴.

A seasoned legislative drafter must take full advantage of the Act by having an up-to-date version, being fully abreast with all its provisions, and knowing exactly when the provisions will apply to draft texts.

Legislative Houses (Powers and Privileges) Act²⁵: This Act provides, among others, legal and operational safeguards for legislative drafting in Nigeria by protecting the drafter; empowering committees to gather raw materials for bills; and regulating how legislative text should be published officially²⁶. Specifically, the Act provides absolute immunity from civil and criminal litigations for words spoken or written within parliament which includes draft bills considered by the legislature during legislative sessions before such bills ever become law²⁷. This immunity expressly covers words written in a report, bill, resolution and petition introduced and considered in the House. Before a bill is drafted, committees conduct investigative hearings to gather facts, discover loopholes and formulate policy; the Act provides the legal machinery required for this pre-drafting stage. It empowers committees to summon witnesses and order the production of documents,

¹⁶ *Ibid*, S.3(2)

¹⁷ *Ibid*, S.18

¹⁸ *Ibid*, S. 14(a)

¹⁹ *Ibid*, S. 14(b)

²⁰ *Ibid*, S. 15.

²¹ *Ibid*, S.2

²² *Ibid*, SS 19 & 20

²³ *Ibid*, S 6

²⁴ E.O. Ugbejeh et.al., *LED 705 Dynamics of Legislative Drafting (Constitutional Perspectives)* NOUN, (NOUN Press: Abuja, 2022) 31 – 33 <<https://nou.edu.ng>> accessed 24th July, 2026.

²⁵ Cap. L12, LFN 2004 now Legislative Houses (Powers and Privileges) Act, 2018. Hereinafter referred to as the Legislatives Houses Act.

²⁶ ‘Factcheck: Eight Bills of the National Assembly Become Laws Upon President’s Assent’, Presidential Villa, The State House, Abuja <<https://statehouse.gov.ng>> accessed 26th June, 2026.

²⁷ S.1, Legislative Houses Act.

records or evidence (section 2), and it also allows committees to examine witnesses under oath (section 5). The data, expert testimonies, evidence and documents recovered through the powers granted by these provisions, provide the detailed technical material that a legislative drafter needs and uses to translate raw policy goals into legal draft bills. The provisions of the Act, guarantees that the background research and data informing the drafting of a bill are credible and sure.

It is also important to note that the Act is strict on legislative records as drafting integrity is heavily reliant on the accuracy of the printed text. It regulates the printing and publication of bills, making it a criminal offence to print or distribute false copies of laws, bills or proceedings²⁸. It protects authorised printers such as the Federal Government Printers who publish official legislative drafts and bills²⁹. The protection the Act affords, ensures the authenticity of bills as they transition or move through the different stages of the bill process, preventing unauthorised or corrupted drafts from being circulated as official drafts. The Act further extends its privileges to officers of the legislative houses which includes legislative drafters, who are institutional draft persons working under the National Assembly Service Commission, and responsible for drafting Members' and Private Members' Bills. It protects and shields them from external pressures, executive intimidation and legal liability while performing their official duties in drafting, editing and advising on draft legislation.

National Assembly Service Commission Act, 2024: This is an important component of the Nigerian legislative drafting framework as it provides the human resource, administrative and professional infrastructure that makes actual drafting possible. The Act regulates the appointment, promotion and discipline of the staff within the National Assembly³⁰, which includes legislative drafters employed in the Legal Services Department of the National Assembly, responsible for translating policy intentions, executive proposals and members' bills into formally structured bills. The Commission is an autonomous body that ensures that the legislative bureaucracy is protected from direct executive or political influence and interference. The Act ensures that legislative drafters are able to provide expertise, dedicated, objective, non-partisan and professional legal wording for bills irrespective of changing governments, thereby safeguarding drafting neutrality and autonomy. This autonomy ensures that National Assembly drafters are able to provide objective legal advice, critique executive bills and draft private members' bills impartially and free from the direct control of the executive arm (the Federal Ministry of Justice). The Act also provides oversight for the office of the clerk and also in the certification of bills. The National Assembly Service Commission, appoints the clerk and other deputy clerks of the National Assembly, who are the final administrative gatekeepers in the drafting and legislative processes. The Clerk of the National Assembly must before any drafted bill is sent to the president for assent, formally certify that the draft bill accurately matches and corroborates the exact decisions and amendments agreed upon by both Chambers of the National Assembly. It is for this reason that is important that the Clerk is a lawyer by profession who is also well trained in legislative drafting. The Legal and Drafting department of the National Assembly has a duty to rigorously cross-check, clean up and authenticate the final draft bill to ensure that all amendments made during the different committee stages are seamlessly integrated without contradictions.

²⁸ *Ibid*, S.18

²⁹ *Ibid*, S.19

³⁰ 'National Assembly Service Commission', *About the Commission* <<https://nasc.gov.ng>> accessed 26th June, 2026.

The Act in order to improve drafting quality, also enables direct interface with specialised statutory bodies like the National Institute for Legislative and Democratic Studies (NILDS), which serves as a centre for continuous professional development, training, research and capacity-building for legislative drafters in Nigeria. This is because legislative drafting is highly technical and therefore requires structured training on modern drafting techniques. The Act³¹ empowers the Commission to make staff regulations and conditions of service. These regulations for legislative drafters define the professional standards, codes of conduct and legal accountability required from drafters when dealing with sensitive statutory documents or processing amendment clauses of an amendment bill. Legislative drafting relies heavily on precedents. The administrative departments established under this legal framework manage the archiving, indexing and documentation of past bills, official reports and subsidiary legislation. This enables drafters to have prompt legal access to past statutory language, preventing overlapping laws or unintended repeals³².

Standing Orders (Rules of Procedure) of the Senate and the House of Representatives: These are internal operational rules which outline the specific stages that a bill must pass through such as the first, second, committee and third reading stages. It also regulates members conduct and other aspects of the legislature and legislative business. The Constitution empowers the Senate and the House of Representatives of the National Assembly to regulate its own internal procedures, proceedings and organisational structures. It provides that –

Subject to the provisions of this Constitution, the Senate or the House of Representatives shall have power to regulate its own procedure, including the procedure for summoning and recess of the House³³.

This provision is the constitutional authority needed to make standing orders and rules of both chambers. Legislative drafters must therefore draft bills in such a way that they are structurally and procedurally in conformity with the internal rules of the Houses as enabled by the above section. A drafter must seek guidance from the rules established under this section when creating a new statutory body or agency, so as to ensure that the bill being drafted aligns correctly with legislative powers and internal agenda. This section also grants internal autonomy to the legislature because the judiciary generally avoids interfering in how the legislature runs its internal affairs or passes a bill, provided these internal rules do not violate constitutional provisions³⁴. For the legislative drafter, this means that procedural errors made during the internal reading of a bill do not automatically render the resulting Act unconstitutional³⁵. This gives the legislature flexible internal autonomy over its drafting workflow. This section and indeed the Rules are however not absolute as the Constitution places some restraints on it through the opening phrase ‘Subject to the provisions of this Constitution’. This means that a legislative drafter should never use internal standing rules to override constitutional requirements. For instance, where the Constitution has a fixed mandatory

³¹ S.19. NASS Serv. Comm. Act

³² Factcheck: Fn 23

³³ S.60 of the Constitution.

³⁴ In *Pickin v British Railway Board & Anor.* (1972) 3 WLR 824, the House of Lord, per Lord Campbell, held that “all that a court of justice can do is to look into the parliamentary rule. If from that it should appear that a bill has passed both Houses and received the royal assent, no court of justice can inquire into the mode in which it was introduced into the Parliament nor into what was done previous to its introduction or what passed in Parliament during its progress in its various stages through both Houses”.

³⁵ *Ibid*

quorum size required for passing a bill, therefore a legislative drafter cannot use standing orders to reduce this constitutional requirement³⁶.

Standing orders prescribe the structural layout, syntax and procedural requirements that a legislative drafter must meet before a bill can satisfy legislative scrutiny. They dictate how a bill should be physically and conceptually organised. Drafters must align draft bills to meet specific legislative requirements such as long title, short title or citation, enacting clause, explanatory memorandum, etc.³⁷ Internal rules regulate the way bills are introduced in both chambers and the stages bills go through. Drafters must ensure bills comply with formatting standards, provide briefing notes to the sponsor of a bill by highlighting the bill's core policies. During the committee stage, drafters work hand in hand with committees so as to be able to redraft amended clauses of a bill under consideration, insert new provisions or strike out clauses that are going to be impossible to achieve based on inputs from public hearings held. Where there are differences in a bill passed by both Houses, drafters are required under the standing orders to sit in with the Conference Committee so as to compare the different versions line by line and come up with a single harmonised draft called a 'clean bill', thereby resolving the differences in the bill without introducing new legal inconsistencies³⁸. During legislative debates, legislators propose amendments from the floor of the house or in committee, internal rules of the legislature provide strict procedure as to how such amendments are to be incorporated into the bill³⁹. Legislative drafters utilise these rules in ensuring that amendments are seamlessly integrated into the existing framework of the bill without distorting the logical flow, coherence and numbering system.

Legislative Drafting Authorities

Nigeria operates a decentralised system of legislative drafting; predicated on a network of key drafting authorities and offices. Government departments and legal offices, comprising the Ministry of Justice and the legislative services or legal departments of the National Assembly, are primarily responsible for drafting legislation. These bodies draft bills that are introduced into the National Assembly and also provide legal and procedural support to the legislature during the legislative process. This ensures the promotion of bills which comply with constitutional requirements and legislative rules before being introduced for debate by the National Assembly and onward passage into law.

The legislative drafting authority for drafting all policy-driven executive bills comes from the Ministries of Justice, at the Federal and State levels while the legislative offices (Legal Services Department) of the National Assembly draft Members' and Private Members' Bills before they are presented before the legislature for consideration. At the State level, similar drafting units serve governors and state legislators⁴⁰. Nigeria's decentralised system for drafting legislation features some specific and distinct institutions and functions –

³⁶ S.54 of the Constitution.

³⁷ Order 12, Rule (5) (c) of the Standing Orders of the House of Representatives, 11th Edition, provides that the Rules and Business Committee shall scrutinize draft bills to ensure that they comply with "the drafting style in the House as prescribed by the Bill Drafting Manual before scheduling same for first reading".

³⁸ A.R. Bakare, 'Legislative Powers and Lawmaking Process in the Nigerian National Assembly'. In: *National Assembly and Legislative Effectiveness in Nigeria's Fourth Republic* (Palgrave Macmillan, Singapore, 2023) 39 – 56 <https://doi.org/10.1007/978-981-99-0780-9_4> accessed 26th June, 2026.

³⁹ See Order 12, Rules 7 & 8 of the House of Representatives Standing Orders, 11th edition.

⁴⁰ Bills emanating from the Executive/Ministry of Justice, to the Legislature are called Executive or Public Bills, while those originating (including those recommended to Members) are called Private Members (or Private) Bills.

The Federal Ministry of Justice: The Federal Ministry of Justice houses the Legal Drafting Department, which is responsible for translating policy objectives and memoranda (executive bills) of the Presidency, Ministries and Agencies into enforceable legal frameworks. When a particular ministry wishes to propose a law, it prepares drafting instructions, vets these policies, ensures constitutional conformity and then drafts the executive bills before forwarding them to the National Assembly. The Federal Ministry of Justice drafts and forwards bills from the perspective of the executive arm to the Legislature. In practice, these executive bills are usually forwarded by the Special Adviser to the President on National Assembly Affairs or the National Assembly Liaison Officer to the Senate or House of Representatives, as the case may be, and usually presented by the Majority Leader (or Leader of the House).

The National Assembly (NASS) Legislative Drafting Office: This is the internal unit within the NASS, tasked with the specific duty of handling and managing Private Members' Bills. Senators and Members of the House of Representatives who wish to sponsor legislation independently of the executive usually utilise this means. The office guides law-makers in the formulation of legislative ideas, translation of intentions into legally sound bills, and aiding drafting of amendments to executive bills and refining executive proposals during the committee stage of the legislative process. This legislative drafting office in the execution of their functions, answer directly to the leadership of the National Assembly.

The National Institute for Legislative and Democratic Studies (NILDS)⁴¹: This institution acts as the primary academic and capacity-building organs for parliamentary staff and legislative drafters. Its functions as provided in the establishment Act include to:

...initiate and encourage legislative drafting courses in tertiary institutions in Nigeria and abroad⁴².

Nigerian Institute of Advanced Legal Studies (NIALS): NILDS is the primary academic and capacity-building institution for members of the public service in general but it has a specific mandate on legislative drafters. The Act⁴³ provides that it is to:

...conduct courses of instruction in legislative drafting leading to the award of postgraduate diploma or a postgraduate degree⁴⁴.

The Nigerian Law School: The Legal Education (Consolidation, Etc) Act, 1962⁴⁵ establishes and empowers the Council of Legal Education to run or manage the Nigeria Law School (NLS), which is to provide professional and vocational training for persons that want to become barristers and solicitors. The Act provides that:

The Council shall have responsibility for the legal education for persons seeking to become members of the legal profession⁴⁶.

The Nigerian Law Reform Commission (NLRC):

The NLRC Act provides that –

⁴¹ The National Institute for Legislative Studies Act was originally enacted in 2011 but later amended in 2017, adding "Democratic" to make read: National Institute for Legislative and Democratic Studies (NILDS).

⁴² S. 2 (3) (d) of the NILDS Act.

⁴³ The Nigerian Institute of Advanced Legal Studies Act, 1984, now Cap 345, Laws of the Federation of Nigeria, 2004.

⁴⁴ *Ibid*, S. 4(c)

⁴⁵ The Legal Education (Consolidation, Etc) Act, 1962, now Cap L10, Laws of the Federation of Nigeria, 2004.

⁴⁶ *Ibid*, S.1(2)

...the Commission shall generally research, take and keep under review all federal laws with a view to their systematic and progressive development and reform ... including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernization of the law⁴⁷.

The Commission is mandated to receive and consider any proposal for the reform of the law which may be made or referred to it by the Attorney General of the Federation or the National Assembly⁴⁸.

In executing their functions as the legislative drafting authorities in Nigeria, the Federal Ministry of Justice and the Legislative Drafting Office of the NASS face some structural challenges such as resource allocation. Decentralisation leads to a split in the pool of legislative drafters, sometimes resulting in disproportionate resources allocation between the larger Federal Ministry of Justice and the Legislature. Drafting inconsistency is another challenge as the system of decentralisation often leads to friction and disparity in drafting styles between executive-sponsored bills and those drafted in-house by the NASS drafting office. This decentralised practice of drafting bills that are to be translated into legislation in Nigeria does not promote uniformity and standardisation in legislation, what with the non-existence of a regulatory framework for monitoring the drafting of legislation and regulating the practice of legislative drafters and drafting in Nigeria. In order to promote uniform drafting standards and address quality gaps, justice sector institutions like the Nigerian Institute of Advanced Legal Studies (NIALS), the National Institute for Legislative and Democratic Studies (NILDS) and the Nigerian Law Reform Commission (NLRC) often try to champion standardised drafting guidelines for both the NASS and the Federal Ministry of Justice legislative drafters.

Synopsis of the Principles of Legislative Drafting

Without departing from the focus of the paper, it is considered apposite to refer to the main principles of drafting albeit synoptically as they are concomitant to or inextricable from the legal framework. To withstand judicial scrutiny and effectively fulfill its purpose, effective legislative drafting – and legislation in Nigeria – must adhere to the key principles of substantive soundness, technical soundness and procedural soundness. These three requirements are intertwined and manifest themselves in the following ways, namely: **Clear Policy Objectives; Integration with the Existing Body of Laws; Practicality and Effectiveness; Normative Drafting; Appropriate Sanctions; Intended Audiences; Legal Clarity; Repeals and Amendments; Appropriate Definitions; Avoid Negative Formulations; Gender Neutrality; Accurate use of References; Linguistic Differences; Professionalism; and Transparent and Participatory**⁴⁹.

⁴⁷ S.5 (1) of the NLRC Act, 2022.

⁴⁸ *Ibid*, S.5(2)

⁴⁹ M.E. Segal, *Legislative Drafting: Principles and Materials*. Law, University of Kashmir, 2011, 1 – 148 <<https://law.uok.edu.in>> accessed 24th July, 2026. See also O.J. Olujobi, 'Introduction to Law-Making: Principles of Legislative Drafting' (2024). Presented at a 3 Days Workshop on Legislative Drafting with the Theme: "Promoting Legislative Drafting Techniques for Effective Policy Formulation and Law Making" at the Ministry of Justice, Kogi State Capacity Building Impartation on Legislative Drafting, NUT Event Centre, Opp. Access Bank, Lokoja, Kogi State <<https://www.researchgate.net>> accessed 24th July, 2026.

By the same logic, mention should also be made of several core **Rules, Techniques, Steps or Stages, and finally, Drafter's Qualities**, all of which are important for producing high quality and effective legislations.

On the Rules, regard must be had to **Constitutionality; Clarity and precision⁵⁰. Consistency;⁵¹.Conciseness; Completeness; Certainty; Comprehensible and coherence; and Communication and courteousness.**

With regards to the techniques; structure and style, the issues are: **Simple terms; Logical structuring and order⁵²; and Language and syntax⁵³.**

On Legislative Drafting Practices; Steps or Stages

It should be reiterated that the primary objective of a drafter is to express the provisions of a proposed legislation very clearly and unequivocally, so as to reflect the intention of the policy maker or legislature⁵⁴. The practical drafting process is sequential, moving from the conceptualisation of a policy to the final enacted law. G.C. Thornton divides the drafting process into five stages⁵⁵, namely: **Understanding the drafting instructions and proposal; Analysing the proposal; Designing the law; Composing and developing the draft; .and Verifying the draft:**

On the final element of the qualities of the drafter, it cannot be over-emphasised that the drafter must possess certain qualifications, qualities, skills, and further adhere to some ethical considerations...persons who also have the ability to pay attention to details by applying meticulous precision with regards to syntax, punctuation and other structural requirements within a draft bill⁵⁶...also in the designing and preparation of bills, preparation of subsidiary legislations for governments and legislative bodies, attending legislative proceedings during the passage of bills and providing legal advice⁵⁷; and must understand that cooperation not antagonism and friction between the policymaker and the drafter is critical⁵⁸.A legislative drafter should be able to work with little supervision and exhibit willingness to accept criticisms in good faith, showing a high sense of candor, honesty, objectivity, discretion, fairness and diligence⁵⁹.The requirement is a law degree and a postgraduate diploma or degree in legislative drafting. The basic subjects required are constitutional law and legal drafting⁶⁰. Sound knowledge of the rules of interpretation and

⁵⁰ P.E. Nonso-Nwanze, *The Imperative of Regulating Legislative Drafters in Nigeria*. An LL.M Dissertation Submitted to the NILDS, 2024. See also: 'Handbook for Legislative Drafting: A Guide to Working with the Legislative Drafting Division' (2022). The Legislative Drafting Division Attorney-General's Chambers, Solomon Islands Government. <solomons.gov.sb/wp-content/uploads/2022/11/LDD-Handbook.pdf.> accessed 21st August, 2025.

⁵¹ *Ibid*.

⁵² D.T. Adem, *Understanding Bills* (LexisNexis 2013) 8.

⁵³ *Ibid*.

⁵⁴ T.C. Jaja, *Legislative Drafting: An Introduction to Theories and Principles*. (The Netherlands: Wolf Legal Publishers, 2012) 101.

⁵⁵ H. Xanthaki, *Thornton's Legislative Drafting* (5th ed. Bloomsbury, 2013) 145 – 162; H. Xanthaki, 'Misconceptions in Legislative Quality: An Enlightened Approach to the Drafting of Legislation' (2018) University College London, ResearchGate, 20 – 25 <<https://www.researchgate.net/publication/329585655>> accessed 21st August, 2025.

⁵⁶ P. Idornigie, 'Introduction to Legislative Drafting: The Qualities, Qualifications & Role of a Legal Draftsperson' (2 – 3 July, 2021) <<http://paulidornigie.org/wp-content/uploads/2021/08/Introduction-to-Legislative-Drafting-Qualities-Qualifications-etc-Updated.pdf>> accessed 2nd July, 2025.

⁵⁷ O.W. Duru, 'Legislative Drafting' (18th July, 2016) <<https://www.linkedin.com/pulse/legislative-drafting-onyekachi-duru-esq/>> accessed 2nd July, 2025.

⁵⁸ G.C. Thornton, *Legislative Drafting* (London: Butterworths & Co. Publishers, 1970) 42.

⁵⁹ 'Legislative Drafting Manual: A Practitioner's Guide to Drafting Laws in Kosovo' United States Agency for International Development (USAID), p. 61 <<https://www.agora-parl.org>> 21st August, 2025.

⁶⁰ S.O. Imhanobe, *Principles of Legal & Legislative Drafting in Nigeria* (Imhanobe Law Books Limited, 2014) 193.

procedural laws adopted by the courts as well as judicial decisions, the custom and usage having the force of laws in the jurisdiction are also needed by the drafter⁶¹. Indeed, tefficiency in drafting comes not by mere mastery of the rules but by the exercise of a faculty of the mind which can be described as a acquired skill or a natural gift⁶².

It is important to reiterate that the legislative drafter requires the following minimum qualifications

- Post graduate degree in legislative drafting
- Law degree
- Membership of the Bar
- Further formal drafting training or exposure in drafting programmes; and
- Further special skills, such as linguistic capabilities and computer training.
- Communication skill
- Language skill
- Research skill
- Time management skill
- Organisational skill.

Recommendations: The foregoing issues and discussions have largely been the various legal – and also the superintending institutions – of legislative drafting in Nigeria. The associated issues around the principles, practices and prospects were also discussed. However, the recommendations hereunder are focused more on the legal and regulatory framework:

- (a) Enact a consolidated legal framework with explicit provisions on the discipline and practice of legislative drafting.
- (b) As an alternative or in addition to the above, establish a national legislative drafting handbook, in the pattern of the National Legislative Drafting Guide of the Gambia⁶³.
- (c) Establish a regulatory and monitoring body that will monitor the discipline and practice of legislative drafting to ensure uniformity and adherence to standards and best practices.
- (d) Enable a consolidated legal framework and statute book with explicit provisions on the discipline and practice of legislative drafting.
- (e) Create separate institutional units for legislative drafting in relevant public institutions.
- (f) Continuous professional development focused on statute design and legislative technique.

Conclusion

The legal framework for legislative drafting in Nigeria is anchored on constitutional and statutory provisions and guidelines. However, its practical execution is hindered by systemic human, technical and institutional constraints. The transformation of government policy into sustainable socio-economic development relies entirely on the validity and quality of its laws. The modern approach today to legislative drafting is the orientation around the intelligibility of legislation. By prioritising the establishment of a consolidated legal framework and regulatory bodies, which would recognize the profession as a distinct discipline and area of law, enable strict pre-enactment scrutiny, embrace modern technological tools and commit to plain-language standards, Nigeria can

⁶¹ K. Patchett, 'Preparation, Drafting and Management of Legislative Projects'. Workshop on the Development of Legislative Drafting for Arab Parliaments, 3 - 6 February 2003, Beirut, 19 - 20. <<https://agora-parl.org>> accessed 20th August, 2025.

⁶² C.P. Ilbert, *The Mechanics of Law Making* (New York: University of Colombia Press, 1914) 109.

⁶³ Instructively, this Guide was developed by Dr. Sarah-Hope A. Tebira of Nigeria who was on Technical Aide Secondment to The Gambia, 2025 – 2026.

elevate its legislative architecture. This evolution will reduce judicial bottlenecks, strengthen institutional transparency, enhance the administration and delivery of justice, and robustly anchor the democratic order and the rule of law.

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Authors' contributions

All authors read and approved the final manuscript.

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Declarations

Ethics approval and consent to participate

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