

LEGAL EDUCATION AND LEGAL PRACTITIONERS' (CONSOLIDATION ETC.)

BILL, 2017

ARRANGEMENT OF CLAUSES

PART A - LEGAL EDUCATION

1. Establishment and functions of the Council of Legal Education
2. Composition of the Council
3. Transfer and vesting of the functions of the Nigerian Institute for Continuing Legal Education upon the Council
4. Attorney-General of the Federation to Give General Directions to the Council
5. Persons qualified to receive qualifying certificates issued by the Council
6. Power of the Council to appoint officers for discharge of its functions and qualifications of person to be appointed as Secretary of the Council
7. Officers appointed by the Council entitled to benefit from Pensions Reform Act, 2014
8. Accounts and Book-Keeping of the Funds and revenue of the Council to be determined by the Minister of Finance
9. Funds of the Council to be paid into Treasury Single Account (TSA) as part of the Consolidated Revenue Fund of the Federation
10. Consequential Amendments and Repeals of legislation

PART B - LEGAL PRACTITIONERS

11. Establishment of Bar council
12. Criteria for Entitlement to practice.
13. Establishment of Body of Benchers
14. Criteria for Call to the Bar
15. Conferment of the rank of Senior Advocate of Nigeria
16. Rights and Privileges of Law Officers
17. Enrolment

18. Right of audience, precedence and rates of practicing fees
19. Liability for negligence
20. Establishment of Disciplinary Committee
21. Procedure for Disciplinary Committee
22. Establishment of Appeal Committee of the Body of Benchers, etc.
23. Disciplinary jurisdiction of the Supreme Court
24. Restoration of names to roll, etc.
25. Legal Practitioners' Remuneration Committee and charges of legal practitioners
26. Recovery of charges, etc.
27. Applications for taxation of charge
28. Procedure for Taxation of charges by Taxing Officer
29. Interpretation of words associated with Taxation of Bills
30. Accounts and records for clients' moneys
31. Special provisions as to client accounts with banks

PART C - FINAL

32. Offences relating to clients' money
33. Offences relating to clients' property
34. Interpretation
35. Short title

SCHEDULES

A BILL

FOR

AN ACT TO REPEAL AND RE-ENACT THE LEGAL EDUCATION ACT, 1976 AND THE LEGAL PRACTITIONERS ACT, 1975 RESPECTIVELY AS A CONSOLIDATED ACT TO BE NAMED THE LEGAL EDUCATION AND LEGAL PRACTITIONERS (CONSOLIDATION ETC.) BILL WITH NEW PROVISIONS TO MODERN AND EFFECTIVE APPROACHES TO REGULATE LEGAL EDUCATION AND THE LEGAL PRACTITIONERS RESPECTIVELY, SETTING OF STANDARDS AND CODE OF CONDUCT FOR PERSONS SEEKING TO ENTER AND REMAIN IN THE LEGAL PROFESSION AND FOR RELATED MATTERS

Sponsored by Hon. Yakubu Dogara

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

PART A - LEGAL EDUCATION

1
2 1.-(1) There shall be a body to be known as the Council of Legal
3 Education (hereafter in this Bill referred to as "the Council ") which shall be
4 a body corporate with perpetual succession and a common seal.

Establishment
of the Council
of Legal Education

5 (2) The Council shall have responsibility as follows-

Functions of the
Council of Legal
Education

6 (a) setting standards and determining the criteria for the legal
7 education of persons seeking to become members of the legal profession as
8 the regulatory Body that sets the examinations for persons seeking to qualify
9 as members of the legal profession;

10 (b) setting standards for the regulation of the curriculum of
11 continuing legal education for persons already qualified as members of the
12 legal profession;

13 (c) accreditation of the academic law programmes of all
14 universities within Nigeria.

15 (d) ensure the inclusion of clinical legal education courses as

1 mandatory courses in the curriculum of legal education in Nigeria;

2 (e) ensure that persons seeking to become members of the legal
3 profession undertake three mandatory pupillage/internship during their
4 undergraduate studies, as part of the requirements prior to undertaking the
5 qualifying examinations of the Council, and a six months pupillage after
6 successful completion of Council's examination; and

7 (f) ensure that every Faculty of Law of Nigerian university adheres to
8 the prescribed admission quota and classroom law lecturer to student ration of
9 1:40.

Composition of
the Council of
Legal Education

10 2.-(1) The Council shall consist of-

11 (a) a Chairperson to be appointed by the Federal Executive Council
12 upon the recommendation of the Attorney-General of the federation;

13 (b) Twelve Attorneys-General, two from each geo-political zone of
14 Nigeria on a rotational basis or, where there are no Attorneys-General, the
15 Solicitors-General from the representatives States of each of the geo-political
16 zones;

17 (c) a representative of the National Universities Commission to be
18 appointed by the Executive Secretary of the National Universities
19 Commission;

20 (d) Six Deans of accredited Faculties of Law of universities, one from
21 each geo-political zone on a rotational basis; the head of the faculty of law of
22 any recognised university in Nigeria whose course of legal studies is approved
23 by the Council as sufficient qualification for admission to the Nigerian Law
24 School;

25 (e) the president of the Nigerian Bar Association and eight other
26 members of the Nigerian Bar Association on a rotational basis;

27 (f) the Chairpersons of the Senate and House of Representatives
28 Committees on Legal and Judiciary respectively;

29 (g) upon the date of commencement of this Act which signals the
30 repeal of the Nigerian Law School, the person occupying the position of

1 Director-General of the Nigerian Law School shall be designated as the
2 Secretary of the Council or any other person that the Council shall deem fit to
3 appoint; and

4 (h) two persons who must be authors of published learned works in
5 the field of law, to be appointed by the Attorney-General of the Federation.

6 (2) A person appointed as Chairperson of the Council shall, unless
7 he previously resigns or is removed from office, hold office for four years
8 and shall on ceasing to hold office be eligible for reappointment.

9 (3) A person appointed a member of the Council pursuant to
10 paragraph (h) of subsection (1) of this section shall, unless he previously
11 resigns or is removed from office, hold office for four years and shall on
12 ceasing to hold office be eligible for reappointment.

13 (4) The quorum of the Council shall be ten persons and the Council
14 may regulate its own procedure; and the validity of any proceedings of the
15 Council shall not be affected by any defect in the appointment of any
16 member, or by reason that a person not entitled to do so took part in the
17 proceedings.

18 (5) The Council shall have power to do such things as it considers
19 expedient for the purpose of performing its functions, but no remuneration
20 shall be paid to any member of the Council in respect of the office such a
21 person holds.

22 3. The Council shall in addition to the function conferred on it by
23 section 1 (2) of this Act have responsibility for those matters in respect of
24 which, before the commencement of this Act, the Nigerian Institute for
25 Continuing Legal Education had responsibility.

26 4. Subject to this Act, the Attorney-General of the Federation may
27 give the Council directions of a general character with regard to the exercise
28 by the Council of its functions and it shall be the duty of the Council to
29 comply with such directions.

Transfer and
vesting of the
functions of the
Nigerian Institute
for Continuing
Legal Education
upon the Council

Attorney-General
of the Federation
to give general
directions to the
Council

1 5. A person shall be entitled to have a qualifying - certificate issued to
2 him by the Council stating that he is qualified to be called to Bar if-

3 (a) such a person is a citizen of Nigeria;

4 (b) where such a person is not a citizen, such a person has obtained a
5 valid visa or residence permit issued in compliance with the Immigration Act

6 (b) he has, except where the Council otherwise directs, successfully
7 completed a course of practical training at a Faculty of Law of a Nigerian
8 University which (including the time spent in taking the examination to be
9 administered and regulated by the Council at the end but excluding any interval
10 between the conclusion of the examination and the announcement of the results
11 thereof) lasted for a period fixed by the Council as an academic year.

Power of the
Council to appoint
officers for
discharge of its
functions and
qualifications
of person to be
appointed as
Secretary of the
Council

12 6.-(1) Without prejudice to section 2 (5) of this Act, the Council may
13 appoint such officers and servants as are deemed necessary by the Council for
14 the proper discharge of its functions under this Act, upon such terms and
15 conditions of service as the Council may determine: Provided that rates and
16 scales of salary and other emoluments relating to any such appointment or
17 employment shall be comparable with those prevailing in Nigerian
18 universities.

19 (2) For purposes of administration, invigilation and grading of its
20 examination, The Council shall engage the services of all the staff of the
21 Nigerian Law School as presently constituted under the headship of the
22 Director-General, the Council shall deploy the staff of the Nigerian Law
23 School as presently constituted to Faculties of Law of universities within each
24 geo-political zone for the purposes of teaching, administration and grading of
25 the Council examinations, such staff shall be paid a remuneration in
26 accordance to their current rank in accordance with extant Rules of the Federal
27 Civil Service.

28 (3) No person shall be appointed as Secretary to the Council unless-

29 (a) such a person is the holder or a former holder of the office not
30 below the rank of Associate Professor of Law in a Faculty of Law of a Nigerian

1 university; or

2 (b) a holder of a Doctor of Philosophy (PhD) in law degree; and

3 (c) such a person is a legal practitioner who had 011 the date of
4 application, or had at any time prior to that date" been in active legal practice
5 for not less than ten years.

6 7.-(1) The Federal Civil Service Commission may by order
7 published in the Federal Gazette declare the office of any officer or servant
8 appointed by the Council under this Act a pensionable office for the
9 purposes of the Pensions Reform Act.

Officers appointed
by the Council
entitled to benefit
from Pensions
Reform Act, 2014.

10 (2) Subject to subsections (3) and (4) of this section, the Pensions
11 Reform Act, 2014 shall in its applications by virtue of subsection (1) of this
12 section to any office, have effect as if the office were in the public service of
13 the Federation within the meaning of the Constitution of the Federal
14 Republic of Nigeria, 1999 (as amended).

15 (3) For the purposes of the application of the Pensions Reforms Act
16 in accordance with subsection (2) of this section:

17 (a) paragraph (1) of section 7 of that Act (which confers power to
18 waive the requirement to give notice of desire to retire) shall have effect as if
19 for the references to the Minister there were substituted reference to the
20 Council;

21 (b) the power under section 9 (1) of the Act to require an officer to
22 retire at any time after attaining the age of forty-five shall be exercisable by
23 the Council and not by any other authority.

24 (4) Nothing in the foregoing provisions shall prevent the
25 appointment of a person to any office on terms which preclude the grant of a
26 pension or gratuity in respect of service in that office.

27 (5) Any order made under the Legal Education (Pensions) Act,
28 1965 in respect of offices constituted by the Council before the
29 commencement of this Act shall continue to have effect in accordance with

1 its terms as if made by the Commission in exercise of powers conferred by this
2 section.

Accounts and
Book-keeping
of the funds and
revenue of the
Council to be
determined by
the Minister of
Finance

3 8.-(1) There shall be paid to the Council out of moneys Expenses
4 provided by the Federal Government such sums by way of grant or loan as the
5 Federal Government may from time to time determine.

6 (2) Any loan to the Council of moneys provided by the Federal
7 Government shall be made on such terms as may be determined by the Minister
8 in the Government of the Federation responsible for finance.

9 (3) The said Minister shall make regulations as to the keeping of
10 accounts and records by the Council or by an officer of the Council, with
11 respect to sums paid to the Council out of moneys provided by the Federal
12 Government and fees collected by the Council from students undertaking its
13 examination, and as to audit of the accounts; and the regulations shall provide
14 for the submission in every year of a copy of the accounts to the Federal
15 Executive Council.

Funds of the
Council to be
paid into Treasury
Single Account
(TSA) as part of
the Consolidated
Revenue Fund
of the Federation

16 9. All fees collected by the Council from the students undertaking its
17 examination shall be paid into the Treasury Single Account (TSA) and the
18 Treasury of the Government of the Federation and shall form part of the
19 Consolidated Revenue Fund of the Federation.

Consequential
Amendments
and Repeals of
legislation

20 10.-(1) This Bill may be cited as the Legal Education and Legal
21 Practitioners (Consolidation, etc.) Bill.

22 (2) The Legal Education Act 1976 is hereby repealed and the
23 following other enactments, that is to say-

24 (a) the Legal Education (Pensions) Act 1965;

25 (b) the Legal Education (Amendment) Act 1970;

26 (c) the Legal Education (Amendment) Act 1973 and

27 (d) the Legal Education (Amendment) Act 1974, are also hereby,
28 consequentially, repealed.

29 (3) The repeal of the enactments specified in subsection (2) of this
30 section shall not affect any rules, orders, regulations or other instruments made

1 under any of the enactments repealed and such rules, orders, regulations or
2 other instruments shall continue to have effect as if made under the
3 corresponding provisions of this Act.

4 PART B - LEGAL PRACTITIONERS

5 11.-(1) There is established a body to be known as the General
6 Council of the Bar (hereinafter in this Act referred to as "the Bar Council")
7 which shall be charged with the general management of the affairs of the
8 Nigerian Bar Association (subject to any limitations for the time being
9 provided by the constitution of the association) and with any functions
10 conferred on the council by this Act or that constitution. There is established
11 the Nigerian Bar Association.

Establishment
of Bar council

12 (2) The Bar Council shall consist of-

13 (a) the Attorney-General of the Federation, who shall be the
14 president of the council;

15 (b) the Attorneys-General of the States; and

16 (c) twenty members of the association.

17 (3) The persons mentioned in paragraph (c) of subsection (2) of this
18 section shall-

19 (a) be elected to serve on the Bar Council at elections in which all
20 members of the association are entitled to vote in such manner as may be
21 provided by the constitution of the association; and

22 (b) hold office for such period as may be determined by or under
23 that constitution, and not less than seven of those persons shall be legal
24 practitioners of not less than ten years standing.

25 (4) The quorum of the Bar Council shall be eight, and the council
26 may make standing orders regulating the procedure of the council and,
27 subject to the provisions of any such orders, may regulate its own
28 proceedings; and no proceedings of the council shall be invalidated by any
29 vacancy in the membership of the council, or by the fact that any person took
30 part in the proceedings who was not entitled to do so.

Criteria for
entitlement to
practice

1 Practice as a Legal Practitioner

2 12.-(1) Subject to the provisions of this Act, a person shall be entitled
3 to practise as a barrister and solicitor if, and only if, the name of such a person is
4 on the roll.

5 (2) If-

6 (a) an application under this subsection is made to the Chief Justice of
7 Nigeria by or on behalf of any person appearing to him to be entitled to practise
8 as an advocate in any country where the legal system is similar to that of
9 Nigeria; and

10 (b) the Chief Justice is of the opinion that it is expedient to permit that
11 person to practise as a barrister for the purposes of proceedings described in the
12 application, the Chief Justice may by warrant under his hand authorise that
13 person, on payment to the registrar of such fee not exceeding fifty naira as may
14 be specified in the warrant, to practise as a barrister for the purposes of those
15 proceedings and of any appeal brought in connection with those proceedings.

16 (3) A person for the time being exercising the functions of any of the
17 following offices, that is to say-

18 (a) the office of the Attorney-General, Solicitor-General or Director
19 of Public Prosecutions of the Federation or of a State;

20 (b) such offices in the civil service of the Federation or of a State as the
21 Attorney-General of the Federation or of the State, as the case may be, may by
22 order specify, shall be entitled to practise as a barrister and solicitor for the
23 purposes of that office.

24 (4) A certificate signed by, or by a person authorised either generally
25 or specially in that behalf by, any of the persons mentioned in paragraph (a) of
26 the last foregoing subsection stating that a particular individual is exercising
27 the functions of a particular office shall, without prejudice to any other means
28 of proof, be conclusive proof for the purposes of that subsection that the
29 individual is exercising the functions of that office; and any document
30 purporting to be a certificate under this subsection shall be admitted in

1 evidence and, until the contrary is proved, be deemed to be such a certificate.

2 13.-(1) There shall be a body of legal practitioners of the highest
3 distinction in the legal profession in Nigeria to be known as "the Body of
4 Benchers" which shall be responsible for the formal call to the Bar of
5 persons seeking to become legal practitioners, and which shall consist of the
6 following members, that is-

Establishment of
body of Benchers

7 (a) the Chief Justice of Nigeria and all the Justices of the Supreme
8 Court;

9 (b) the President of the Court of Appeal;

10 (c) the Attorney-General of the Federation and Minister of Justice;

11 (d) the Presiding Justices of Court of Appeal Divisions;

12 (e) the Chief Judge of the Federal High Court;

13 (f) the Chief Judge of the Federal Capital Territory, Abuja;

14 (g) the Chief Judges of the States of the Federation;

15 (h) the Attorneys-General of the States of the Federation;

16 (i) the Chairman of the Council of Legal Education;

17 (j) the President of the Nigerian Bar Association;

18 (k) thirty legal practitioners nominated by the Nigerian Bar
19 Association; and

20 (l) such number of persons, not exceeding ten, who appear to the
21 Body of Benchers to be eminent members of the legal profession in Nigeria
22 of not less than 15 years post-call standing.

23 (2) The Body of Benchers shall be a body corporate with perpetual
24 succession and a common seal.

25 (3) Except as provided under subsection (4) of this section or by
26 regulations made under subsection (5) of this section, a Bencher shall
27 (unless he previously vacates it) vacate his office as a Bencher if he ceases to
28 be the holder of any office by virtue of which he was appointed a Bencher.

29 (4) Notwithstanding anything in subsection (3) of this section, the
30 Chief Justice of Nigeria shall hold office as such Bencher for life.

1 (5) The Benchers may make regulations-

2 (a) providing for an increase in the membership of the Body of
3 Benchers as set out in subsection (1) of this section and the qualifications for
4 and conditions applicable to such membership;

5 (b) providing for the tenure of office of Benchers including the
6 conferment of life membership on any Bencher and the circumstances in which
7 any Bencher may become a super numeracy Bencher;

8 (c) providing for the appointment of persons of distinction in any
9 country as honorary members of the Body of Benchers and the conditions
10 applicable to such appointment;

11 (d) providing for the composition and quorum of the Benchers for the
12 purpose of the exercise of any of the functions conferred on the Benchers under
13 this Act and for the determining in connection thereto of any matter which, in
14 the opinion of the Benchers, requires to be determined; and

15 (e) providing, either generally or in respect of any particular case, for
16 the discharge of the functions conferred on the Benchers under this Act.

17 (6) Any Bencher may in such manner and subject to such procedure as
18 may be prescribed be removed from office for misconduct or on such other
19 ground as the Benchers may, in their discretion, determine to be sufficient.

20 (7) The Benchers shall meet at such times and places as may be
21 convenient for them and may, in such manner as they think fit, prescribe the
22 procedure for their meetings.

23 (8) Except as may be provided by regulations made under subsection
24 (5) of this section, the quorum of the Benchers shall be ten.

25 (9) The validity of any proceedings of the Benchers shall not be
26 affected by any vacancy in the membership of the Benchers or by any defect in
27 the appointment of a member or by any irregularity in the proceedings of any of
28 their meetings.

29 (10) For the purpose of this section-

30 (a) "functions" includes powers and duties; and

1 (b) "prescribed" means prescribed by regulations made by the
2 Body of Benchers, and the operation of section 11 (2) of the Interpretation
3 Act (which deals with references in an enactment to acting appointments) is
4 hereby excluded.

5 14.-(1) Subject to the provisions of this section, a person shall be
6 entitled to be called to the Bar if, and only if

Criteria for call
to the Bar

7 (a) such a person is a citizen of Nigeria; and

8 (b) such a person produces a qualifying certificate to the Benchers;

9 and

10 (c) such a person satisfies the Benchers that he or she is of good
11 character.

12 (2) The Council of Legal Education may by regulations provide
13 that the provisions of paragraph (b) of subsection (1) of this section shall not
14 apply in such cases and on such conditions (if any) as may be specified by
15 the regulations.

16 (3) The Benchers shall issue to every person called to the Bar
17 pursuant to subsection (1) of this section, a certificate of call to the Bar
18 which shall be in such form as the Benchers may determine.

19 15.-(1) Subject to subsection (2) of this section, the Legal
20 Practitioners' Privileges Committee established under subsection (3) of this
21 section may by instrument confer on a legal practitioner the rank of Senior
22 Advocate of Nigeria.

Conferment of
the rank of Senior
Advocate of
Nigeria

23 (2) A person shall not be conferred with the rank of Senior
24 Advocate of Nigeria unless he has been qualified to practise as a legal
25 practitioner in Nigeria for not less than ten years and has achieved
26 distinction in the legal profession in such manner as the committee may
27 from time to time determine.

28 (3) There shall be a committee to be called the Legal Practitioners'
29 Privileges Committee which shall consist of the following-

30 (a) the Chief Justice who shall be chairman;

1 (b) the Attorney-General of the Federation;

2 (c) one Justice of the Supreme Court;

3 (d) the President of the Court of Appeal;

4 (e) five of the Chief Judges of the States;

5 (f) the Chief Judge of the Federal High Court; and

6 (g) five legal practitioners who are Senior Advocates of Nigeria.

7 (4) The members of the committee under paragraphs (c), (e), and (g)
8 of subsection (3) of this section shall be appointed by the Chief Justice in
9 consultation with the Attorney-General of the Federation.

10 (5) Members of the committee under paragraphs (c), (e) and (g) of
11 subsection (3) of this section shall hold office for two years after which they
12 shall be eligible for reappointment for one further term of two years only.

13 (6) The Legal Practitioners' Privileges Committee may act
14 notwithstanding any vacancy in its membership.

15 (7) The Legal Practitioners' Privileges Committee may, with the
16 approval of the National Council of Ministers, make rules as to the privileges to
17 be accorded to Senior Advocates of Nigeria, as to the functions of a legal
18 practitioner, which are not to be performed by a Senior Advocate of Nigeria, as
19 to the mode of appearance before courts by a Senior Advocate of Nigeria, and
20 generally, but without prejudice to the foregoing, for ensuring the dignity of the
21 rank of Senior Advocate of Nigeria.

22 (8) Until the first rules made in pursuance of subsection (7) of this
23 section come into force, a Senior Advocate of Nigeria shall not be entitled to
24 engage in practice as a member of the legal profession otherwise than as a
25 barrister, but nothing in this subsection shall be construed as precluding a
26 Senior Advocate of Nigeria from entering into, or continuing in partnership
27 with a legal practitioner who is not a Senior Advocate of Nigeria.

28 **16.-(1)** Notwithstanding any other provision of this Act but subject as
29 provided in section 8 (5) and the First Schedule hereto, all courts of law in
30 Nigeria before which legal practitioners are entitled to appear shall accord to

1 every law officer specified in this section, the following rights and
2 privileges, that is to say-

3 (a) the exclusive right to sit in the inner bar or, where no facilities
4 exist for an inner bar, on the front row of seats available for legal
5 practitioners; and

6 (b) the right to mention any motion in which he is appearing or any
7 other cause or matter which is on the list for mention and not otherwise listed
8 for hearing out of its turn on the cause list.

9 (2) The law officers to whom this section applies are the Attorney-
10 General of the Federation, the Attorney-General of any State in the
11 Federation and the Solicitor-General of the Federation.

12 (3) The rights and privileges conferred on the law officers by
13 subsection (1) of this section shall also be accorded to any member of the
14 Body of Benchers.

15 17.-(1) Subject to the provisions of this section, a person shall be enrolment
16 entitled to have his name enrolled if, and only if-

17 (a) he has been called to the Bar by the Benchers; and

18 (b) such a person produces a certificate of his call to the Bar to the
19 registrar.

20 (2) The Attorney-General may, after consultation with the Bar
21 Council, by regulations provide for the enrolment of the names of persons
22 who are authorised by law to practise as members of the legal profession in
23 any country where, in his opinion, persons whose names are on the roll are
24 afforded special facilities for practising as members of that profession; and,
25 without prejudice to the generality of the power conferred by the foregoing
26 provisions of this subsection, the regulations may-

27 (a) require persons seeking enrolment by virtue of the regulations
28 to pass such examinations and to pay such fees as may be specified by or
29 under the regulations;

30 (b) provide for the cancellation of enrolment having effect by

4 virtue of the regulations where, in the opinion of the Attorney-General, the
2 facilities aforesaid are altered or withdrawn.

3 (3) Except in pursuance of a direction given under the following
4 provisions of this Act by the Supreme Court or by the disciplinary committee
5 established under those provisions, a person whose name has been struck off
6 the roll in pursuance of a direction given either before or after the
7 commencement of this Act by that court or in pursuance of a direction of the
8 disciplinary committee shall not be entitled to have his or her name enrolled
9 again.

Right of audience,
precedence and
rates of practicing
fees

10 18.-(1) Subject to the provisions of the next following subsection and
11 of any enactment in force in any part of Nigeria prohibiting or restricting the
12 right of any person to be represented by a legal practitioner in proceedings
13 before the Supreme Court or the Sharia Court of Appeal or any area or
14 customary court, a legal practitioner shall have the right of audience in all
15 courts of law sitting in Nigeria.

16 (2) No legal practitioner (other than such a person as is mentioned in
17 subsection (3) of section 2 of this Act) shall be accorded the right of audience in
18 any court in Nigeria in any year, unless he has paid to the registrar in respect of
19 that year, an annual practising fee-

20 (a) in the case of a Senior Advocate of Nigeria, of N20,000;

21 (b) in the case of a person of 15 or more years standing as a legal
22 practitioner at the beginning of that year, not being a Senior Advocate of
23 Nigeria, of N17,500;

24 (c) in the case of a person of more than 10 but less than 15 years
25 standing as a legal practitioner at the beginning of that year, not being a Senior
26 Advocate of Nigeria, of N12,500;

27 (d) in the case of a person of more than 5 but not more than 10 years
28 standing as a legal practitioner at the beginning of that year, of N10,000; and

29 (e) in any other case, of N5,000.

30 (3) The Attorney-General of the Federation may, after consultation

1 with the Bar Council, from time to time vary the various rates of practising,
2 fees specified in subsection (2) of this section.

3 (4) The registrar shall-

4 (a) issue to every person by whom a practising fee is paid in respect
5 of any year a receipt for the fee in the prescribed form; and

6 (b) as soon as reasonably practicable after the end of January in
7 each year and thereafter from time to time during the year as he considers
8 appropriate cause to be printed in the prescribed form and put on sale a list or
9 supplementary list of the legal practitioners by whom practising fees have
10 been paid in respect of that year; and

11 (c) pay over to the association as soon as may be after the end of
12 each year a sum equal to nine tenths of the aggregate amount of the
13 practising fees received by him in pursuance of this section during the year,
14 and a receipt purporting to be issued and list purporting to be printed in
15 pursuance of this subsection in respect of any year shall be evidence that the
16 person named in the receipt or, as the case may be, that any person named in
17 the list has paid to the registrar the practising fee in respect of that year.

18 (5) Legal practitioners appearing before any court, tribunal or
19 person exercising jurisdiction conferred by law to hear and determine any
20 matter (including an arbitrator) shall take precedence among themselves
21 according to the table of precedence set out in the First Schedule to this Act.

22 19.-(1) Subject to the provisions of this section, a person shall not
23 be immune from liability for damage attributable to his negligence while
24 acting in his capacity as a legal practitioner, and any provision purporting to
25 exclude or limit that liability in any contract shall be void.

26 (2) Nothing in subsection (1) of this section shall be construed as
27 preventing the exclusion or limitation of the liability aforesaid in any case
28 where a legal practitioner gives his services without reward either by way of
29 fees, disbursements or otherwise.

30 (3) Nothing in subsection (1) of this section shall affect the

Liability for
negligence

1 application to a legal practitioner of the rule of law exempting barristers from
2 the liability aforesaid in so far as that rule applies to the conduct of proceedings
3 in the face of any court, tribunal or other body.

Establishment
of Disciplinary
Committee

4 **20.**-(1) There shall be a committee to be known as the Legal
5 Practitioners Disciplinary Committee (hereafter in this Act referred to as lithe
6 disciplinary committee") which shall be charged with the duty of considering
7 and determining any case where it is alleged that a person whose name is on the
8 roll has misbehaved in his capacity as a legal practitioner or should for any
9 other reason be the subject of proceedings under this Act.

10 (2) The disciplinary committee shall consist of-

11 (a) the Attorney-General of the Federation, who shall be chairman;

12 (b) the Attorneys-General of the States in the Federation;

13 (c) twelve legal practitioners of not less than ten years standing
14 appointed by the Benchers on the nomination of the association.

15 (3) The provisions of the Second Schedule to this Act shall have effect
16 in relation to the disciplinary committee.

Procedure for
Disciplinary
Committee

17 **21.**-(1) Where-

18 (a) a person whose name is on the roll is judged by the Disciplinary
19 Committee to be guilty of infamous conduct in any professional respect; or

20 (b) a person whose name is on the roll is convicted, by any court in
21 Nigeria having power to award imprisonment, of an offence (whether or not an
22 offence punishable with imprisonment) which in the opinion of the
23 disciplinary committee is incompatible with the status of a legal practitioner;

24 (c) the disciplinary committee is satisfied that the name of any person
25 has been fraudulently enrolled, the disciplinary committee, may, if it thinks fit,
26 give a direction-

27 (i) ordering the registrar to strike that person's name off the roll;

28 (ii) suspending that person from practice by ordering him not to
29 engage in practice as a legal practitioner for such period as may be specified in

30 the direction, or

1 (iii) admonishing that person, and any such direction may, where
2 appropriate, include provision requiring the refund of moneys paid or the
3 handing over of documents or any other thing as the circumstances of the
4 case may require.

5 (2) Where a person whose name is on the roll is judged by the
6 disciplinary committee to be guilty of misconduct not amounting to
7 infamous conduct which, in the opinion of the disciplinary committee, is
8 incompatible with the status of a legal practitioner, the disciplinary
9 committee may, if it thinks fit, give such a direction as is authorised by
10 paragraph (c) (ii) or (iii) of subsection (1) of this section; and any such
11 direction may, where appropriate, include provision requiring the refund of
12 moneys paid or the handing over of documents or any other thing, as the
13 circumstances of the case may require.

14 (3) The disciplinary committee may, if it thinks fit, defer or further
15 defer its decision as to the giving of a direction under subsections (1) and (2)
16 of this section until a subsequent meeting of the committee; but no person
17 shall be a member of the disciplinary committee for the purposes of reaching
18 a decision which has been deferred or further deferred unless he was present
19 as a member of the committee when the decision was deferred.

20 (4) It shall be the duty of the bar council to prepare, and from time
21 to time revise, a statement as to the kind of conduct which the council
22 considers to be infamous conduct in a professional respect, and the registrar
23 shall send to each person whose name is on the roll and whose address is
24 shown in the records of the Supreme Court relating to legal practitioners, by
25 post to that address, a copy of the statement as for the time being revised; but
26 the fact that any matters are not mentioned in such a statement shall not
27 preclude the Supreme Court or the disciplinary committee from adjudging a
28 person to be guilty of infamous conduct in a professional respect by
29 reference to such matters.

30 (5) For the purposes of subsection (1) of this section, a person shall

1 not be treated as convicted as mentioned in paragraph (b) of that subsection
2 unless the conviction stands at a time when no appeal or further appeal is
3 pending or may (without extension of time) be brought in connection with the
4 conviction.

5 (6) When the disciplinary committee gives a direction under
6 subsection (1) or subsection (2) of this section, the disciplinary committee shall
7 cause notice of the direction to be served on the person to whom it relates.

8 (7) The person to whom such a direction relates may, at any time
9 within twenty-eight days from the date of service on him of notice of the
10 direction, appeal against the direction to the Appeal Committee of the Body of
11 Benchers established under section 12 of this Act; and the disciplinary
12 committee may appear as respondent to the appeal and, for the purpose of
13 enabling directions to be given as to the costs of the appeal and of proceedings
14 before the disciplinary committee, shall be deemed to be a party thereto
15 whether or not it appears on the hearing of the appeal.

16 (8) A direction of the disciplinary committee under subsection (1) or
17 subsection (2) of this section shall take effect-

18 (a) where no appeal under this section is brought against the direction
19 within the time limited for the appeal, on the expiration of that time;

20 (b) where such an appeal is brought and is withdrawn or struck out for
21 want of prosecution, on the withdrawal or striking out of the appeal;

22 (c) where such an appeal is brought and is not withdrawn or struck out
23 as aforesaid, if and when the appeal is dismissed, and shall not take effect
24 except in accordance with the foregoing provisions of this subsection.

25 (9) Where a direction is given under subsection (1) or (2) of this
26 section for the refund of moneys paid or the handing over of documents or any
27 other thing and within twenty-eight days of the date of the direction (or where
28 an appeal is brought, on the dismissal of the appeal) the legal practitioner fails
29 to comply with the direction, the disciplinary committee may deal with the case

1 as one involving misconduct by the legal practitioner in his professional
2 capacity.

3 22.-(1) There shall be a committee to be known as the Appeal
4 Committee of the Body of Benchers (hereafter in this Act referred to as "the
5 appeal committee") which shall be charged with the duty of hearing appeals
6 from any direction given by the disciplinary committee.

Establishment
of Appeal
Committee of the
body of Benchers,
etc.

7 (2) The appeal committee shall consist of the following seven
8 members of the Body of Benchers, as may be appointed by the Body of
9 Benchers from time to time, that is-

10 (a) as Chairman, a Bencher, who is a member of the Body of
11 Benchers other than by virtue of section 3 (1) (g) of this Act;

12 (b) two Attorneys-General in the Federation;

13 (c) two Judges of the High Court of any State; and

14 (d) two members of the association.

15 (3) On any appeal against a direction of the disciplinary committee,
16 the appeal committee may allow or dismiss the appeal in whole or in part,
17 and if it is of opinion that any direction given by the disciplinary committee
18 should not have been given or that a different direction should have been
19 given by the disciplinary committee (whether more or less severe), the
20 appeal committee shall revoke the direction of the disciplinary committee
21 or, as the case may be, substitute therefore such direction as it thinks ought to
22 have been given, being a direction which, under section 11 of this Act, could
23 lawfully have been given by the disciplinary committee.

24 (4) The appeal committee shall cause notice of any direction given
25 by it under this section to be served on the person to whom it relates.

26 (5) The person to whom such a direction relates may, at any time
27 within twenty-eight days from the date of service on him of the notice of the
28 direction, appeal against the direction to the Supreme Court; and the appeal
29 committee may appear as respondent to the appeal and, for the purpose of
30 enabling directions to be given by the Supreme Court as to costs of the

1 appeal before that court and of proceedings before the disciplinary committee,
2 the appeal committee shall be deemed to be a party to the appeal before the
3 Supreme Court, whether or not it appears on the hearing of that appeal.

4 (6) A direction of the appeal committee under subsection (3) of this
5 section shall take effect-

6 (a) where no appeal under this section is brought against the direction
7 within the time limited for the appeal, on the expiration of that time;

8 (b) where such an appeal is brought and is withdrawn or struck out for
9 want of prosecution, on the withdrawal or striking out of the appeal;

10 (c) where such an appeal is brought and is not withdrawn or struck out
11 as aforesaid, if and when the appeal is dismissed, and shall not take effect
12 except in accordance with the foregoing provisions of this subsection.

13 (7) Subject to this Act, the Body of Benchers may make rules
14 prescribing the procedure to be followed in the conduct of appeals before the
15 appeal committee.

Disciplinary
jurisdiction of
the Supreme
Court

16 23.-(1) Where it appears to the Supreme Court that a person whose
17 name is on the roll has been guilty of infamous conduct in any professional
18 respect with regard to any matter of which the court or any other court of
19 record in Nigeria is or has been seized, the Supreme Court may if it thinks fit,
20 after hearing any representations made and evidence adduced by or on behalf
21 of that person and such other persons as the court considers appropriate, give
22 such a direction as is mentioned in subsection (1) of section 11, and the
23 direction shall take effect forthwith; and except in the case of an admonition the
24 court shall cause notice of the direction to be published in the Federal Gazette.

25 (2) Where it appears to the Chief Justice that a legal practitioner
26 should be suspended from practice, either with a view to the institution against
27 him of proceedings under this Act before the disciplinary committee or while
28 any such proceedings are pending, the Chief Justice may if he thinks fit, after
29 affording the practitioner in question an opportunity of making representations
30 in the matter, give such direction as is authorised by paragraph (ii) of

1 subsection (1) of section 11; and in deciding whether to give such a direction
2 in consequence of the conviction of a legal practitioner, the Chief Justice
3 shall be entitled to disregard the provisions of subsection (5) of that section.

4 24.-(1) Where either before or after the commencement of this Act
5 the name of any person has been struck off the roll or a person has been or is
6 deemed to have been suspended from practice, he may, subject to the
7 provisions of subsection (2) of this section, make an application for the
8 restoration of his name to the roll or the cancellation of the suspension-

Restoration of
names to roll, etc.

9 (a) if the striking off or suspension was ordered by the Chief Justice
10 of the Supreme Court, to that court; and

11 (b) in any other case, to the disciplinary committee.

12 (2) A direction under subsection (1) of section 11 of this Act or
13 subsection (1) of section 13 of this Act may prohibit an application under
14 subsection (1) of this section until the expiration of the period specified in
15 the direction; and where such an application is duly made to the Supreme
16 Court or the disciplinary committee, the court or disciplinary committee
17 may direct that no further application shall be made under subsection (1) of
18 this section until the expiration of the period specified in the direction under
19 this subsection.

20 25.-(1) There shall be a committee, to be called the Legal
21 Practitioners Remuneration Committee, which shall consist of-

Remuneration
of Practitioners

22 (a) the Attorney-General of the Federation, who shall be the
23 chairman of the committee;

24 (b) the Attorneys-General of the States; and

25 (c) the president of the association and three other members of the
26 association.

27 (2) The quorum of the committee shall be three, of whom one shall
28 be the chairman of the committee or some other member of the committee
29 nominated by him to act as chairman of the committee on the occasion in
30 question.

1 (3) The committee shall have power to make orders regulating
2 generally the charges of legal practitioners and, without prejudice to the
3 generality of that power, any such order may include provision as to all or any
4 of the following matters, that is to say-

5 (a) the maximum charges which may be made in respect of any
6 transaction or activity of a description specified by the order;

7 (b) the ascertainment of the charges appropriate for any transaction or
8 activity by reference to such considerations as may be so specified;

9 (c) the taking by practitioners of security for the payment of their
10 charges and the allowance of interest with respect to the security; and

11 (d) agreements between practitioners and clients with respect to
12 charges.

13 (4) The committee shall not make an order under this section unless
14 they have served a copy of the proposed order on the president of the
15 association and have considered any representations in writing made to the
16 committee by the association within the period of three months beginning with
17 the date of service of the copy; and if the National Council of Ministers on any
18 of the twenty days on which it sits next after the day on which an order under
19 this section comes into force, resolves that the order be annulled it shall, except
20 in relation to any thing previously done by virtue of the order, cease to have
21 effect on the day next following the date of the resolution and be deemed never
22 to have had effect.

23 (5) Until the first order made in pursuance of this section comes into
24 force, nothing in this section shall be construed as affecting the law in force in
25 any part of Nigeria with respect to the remuneration of legal practitioners.

Recovery of
charges, etc.

26 26.-(1) Subject to the provisions of this Act, a legal practitioner shall
27 be entitled to recover his charges by action in any court of competent
28 jurisdiction.

29 (2) Subject as aforesaid, a legal practitioner shall not be entitled to
30 begin an action to recover his or her charges unless-

1 (a) a bill for the charges containing particulars of the principal
2 items included in the bill and signed by him, or in the case of a firm by one of
3 the partners or in the name of the firm, has been served on the client
4 personally or left for him at his last address as known to the practitioner or
5 sent by post addressed to the client at that address; and

6 (b) the period of one month beginning with the date of delivery of
7 the bill has expired.

8 (3) In any case in which a legal practitioner satisfies the court, on an
9 application made either ex parte or if the court so directs after giving the
10 prescribed notice-

11 (a) that he has delivered a bill of charges to a client; and

12 (b) that on the face of it the charges appear to be proper in the
13 circumstances; and

14 (c) that there are circumstances indicating that the client is about to
15 do some act which would probably prevent or delay the payment to the
16 practitioner of the charges, then, notwithstanding that the period mentioned
17 in paragraph (b) of subsection (2) of this section has not expired, the court
18 may direct that the practitioner be authorised to bring and prosecute an
19 action to recover the charges unless before judgment in the action the client
20 gives such security for the payment of the charges as may be specified in the
21 direction.

22 (4) The court may, if it thinks fit, on the application of a client-

23 (a) order a legal practitioner to deliver his bill of charges to the
24 client;

25 (b) make an order for the delivery up of, or otherwise in relation to,
26 any documents in the control of the practitioner which belong to or were
27 received by him from or on behalf of the client, and without prejudice to the
28 generality of the powers of the court to punish for contempt or to the
29 provisions of this Act relating to the discipline of legal practitioners, the
30 court may punish for contempt any practitioner who refuses or fails to

1 comply with an order under this subsection.

2 (5) The value of any consideration received by any person for
3 anything done by a legal practitioner in his capacity as a legal practitioner shall,
4 in so far as the value exceeds the minimum charges to which by virtue of this
5 Act the practitioner is entitled in respect of that thing, be recovered from any
6 person who received the consideration or from the practitioner by the person
7 from whom the consideration moved either directly or indirectly.

Applications for
taxation of charges

8 27.-(1) Except where a direction providing for the giving of security is
9 given under subsection (3) of section 16 of this Act and security is not given in
10 accordance with the direction, the court shall, on an application made by a
11 client within the period of one month from the date on which a bill of charges
12 was delivered to him, order that the bill shall be taxed and that no action to
13 recover the charges shall be begun until the taxation is completed.

14 (2) Subject to the provisions of subsection (3) of this section, the court
15 may if it thinks fit, on an application made after the expiration of the period
16 aforesaid by the legal practitioner or (except as aforesaid) by the client in
17 question-

18 (a) order that the bill shall be taxed;

19 (b) order that until the taxation is completed no action to recover the
20 charges mentioned in the bill shall be begun and any such action already begun
21 shall be stayed, and an order under the subsection may be made on such terms
22 (other than terms as to the costs of the taxation) as the court may determine.

23 (3) No order shall be made under subsection (2) of this section-

24 (a) in any case, after the period of twelve months from the date on
25 which the bill in question was paid;

26 (b) except in a case where the court determines that there are special
27 reasons for making such an order, if twelve months have expired since the date
28 of the delivery of the bill or if judgment has been given in an action to recover
29 the charges in question, and an order made by virtue of paragraph (b) of this
30 subsection may contain terms as to the costs of the taxation.

1 28.-(1) The taxation of a bill of charges shall be in accordance with
2 the provisions of any order in force under section 15 of this Act; and where
3 no such order is in force or any item falling to be taxed is not dealt with by the
4 order, the charges to be allowed on taxation of the item shall not exceed such
5 as are reasonable having regard to the skill, labour and responsibility
6 involved and to all the circumstances of the case.

7 (2) If at the time and place appointed in pursuance of rules of court
8 for the taxation of a bill one of the parties appears and any other party does
9 not, the taxing officer shall proceed to tax the bill unless for special reasons
10 he determines to adjourn or further adjourn the taxation so as to afford an
11 absent party an opportunity to be present; and where he does so determine he
12 may also determine by whom any costs of the adjournment or further
13 adjournment shall be payable.

14 (3) Where on the taxation of a bill it appears to the taxing officer
15 that there are circumstances of the case which make it appropriate to refer
16 the taxation to the court, he shall so refer it; and the court may either-

17 (a) proceed itself to tax the bill and notify to the taxing officer the
18 amount to be declared and stated in his certificate in pursuance of the next
19 following subsection; or

20 (b) refer the taxation back to the taxing officer with its direction in
21 the matter.

22 (4) On the completion of the taxation of a bill, the taxing officer
23 shall forthwith declare the amount due in respect of the bill and shall file in
24 the records of the court a certificate signed by him stating that amount; and
25 any party to the taxation shall be entitled on demand to have issued to him
26 free of charge an office copy of the certificate.

27 (5) If any party to the taxation is dissatisfied with a determination
28 under subsection (2) of this section or the amount stated in a certificate filed
29 in pursuance of this section (other than a certificate stating the amount
30 notified by the court under subsection (3) of this section), he may, within

1 twenty-one days from the date of the determination or filing, appeal to the
2 court.

3 (6) The certificate of the taxing officer in respect of a bill of charges,
4 or where the certificate is varied on appeal the certificate as so varied, shall be
5 conclusive as to the amount of the charges payable in respect of the bill; but
6 nothing in this subsection shall be construed as relieving a legal practitioner of
7 any obligation to prove that a client is liable to pay a bill of charges? or as
8 precluding a Client from disproving that he is so liable.

9 (7) Subject to the provisions of any order made by virtue of subsection
10 (3) of section 17 of this Act, if the amount stated in a certificate under this
11 section relating to a bill of costs, or in such a certificate as varied on appeal, is
12 less than the amount of the bill before taxation and the difference is equal to
13 one-sixth or more of the amount of the bill before taxation, the costs of the
14 taxation shall be payable by the legal practitioner, and in any other case those
15 costs shall be payable by the client.

Interpretation
of words associated
with Taxation
of Bills

16 29.-(1) Without prejudice to the provisions of section 24 of this Act, in
17 the four last foregoing sections and this section (hereafter in this section
18 referred to as "the remuneration provisions") the following expressions have
19 the following meanings unless the context otherwise requires, that is to say-
20 "bill of charges" means such a bill as is mentioned in paragraph (a) of
21 subsection (2) of section 16 of this Act;
22 "charges" means any charges (whether by way of fees, disbursements,
23 expenses or otherwise) in respect of anything done by a legal practitioner in his
24 capacity as a legal practitioner;
25 "client" means the person or any of the persons alleged to be liable to pay the
26 charges of a legal practitioner;
27 "the court" means the High Court of the State in which the legal practitioner in
28 question usually carries on his practice or usually resides or in which the client
29 in question usually resides or has his principal place of business or, in the case
30 of a practitioner authorised to practise by warrant, the High Court of the State in

1 which the proceedings specified in the application for the warrant were
2 begun;

3 "taxation" means taxation by the proper officer of the court, and cognate
4 expressions shall be construed accordingly.

5 (2) For the purposes of the remuneration provisions, a bill of
6 charges is delivered if it is served on or left for or sent to the client as
7 mentioned in subsection (2) of section 16 of this Act and, in relation to a bill
8 of charges, "deliver" and cognate expressions shall be construed
9 accordingly.

10 (3) The remuneration provisions shall apply to a firm consisting of
11 legal practitioners in partnership as they apply to a legal practitioner.

12 (4) For the purposes of the remuneration provisions, a person shall
13 be deemed to be a legal practitioner in relation to any charges if he was a
14 legal practitioner when he performed the services to which the charges
15 relate. Safeguards for Clients, etc.

16 30.-(1) Subject to subsection (4) of this section, the Bar Council
17 may from time to time as the council considers expedient, make rules-

Accounts and
records for clients'
moneys

18 (a) as to the opening and keeping by legal practitioners of accounts
19 at banks for clients' moneys; and

20 (b) as to the keeping by legal practitioners of records containing
21 particulars and information as to moneys received, held or paid by them for
22 or on account of their clients; and

23 (c) as to the opening and keeping by a legal practitioner who is the
24 sole trustee, or who is a co-trustee only with one or more of his partners,
25 clerks or servants, of an account at a bank for moneys of any trust of which
26 he is the sole trustee or such a co-trustee as aforesaid; and

27 (d) as to the keeping by such a practitioner as is mentioned in
28 paragraph (c) of this subsection, of records containing particulars and
29 information as to moneys received, held or paid by him for or on account of
30 any such trust as is so mentioned; and

1 (e) empowering the Bar Council to take such action as it thinks
2 necessary to enable it to ascertain whether the rules are being complied with.

3 (2) Rules made under subsection (1) of this section shall not come into
4 force until they are approved by order of the Attorney-General, either without
5 modification or with such modifications as he thinks fit; but before approving
6 any such rules with modifications the Attorney-General shall afford the Bar
7 Council an opportunity of making representations with respect to the proposed
8 modifications and shall consider any representations made in pursuance of this
9 subsection.

10 (3) If it appears to the Attorney-General that any rules should be
11 made, revoked or altered in exercise of the powers conferred on the Bar
12 Council by this section, he shall make a recommendation in that behalf to the
13 Bar Council; and if within the period of six months beginning with the date of
14 the recommendation the council has not acted in accordance with the
15 recommendation, the Attorney-General may, within the period of twelve
16 months beginning with that date, make rules giving effect to the
17 recommendation.

18 (4) Rules under this section shall not require the keeping of accounts
19 or records-

20 (a) by a legal practitioner in respect of moneys received, held or paid
21 by him as a member of the public service of the Federation or a State; or

22 (b) in such other circumstances as may be specified by the rules.

23 (5) For the purposes of this section, "trustee" includes personal
24 representative, and in relation to a personal representative any reference to a
25 trust shall be construed as a reference to the deceased's estate.

Special provisions
as to client
accounts with
banks

26 31.-(1) A bank at which a legal practitioner keeps an account for
27 clients' moneys shall not, in respect of any liability of the practitioner to the
28 bank which does not arise in connection with that account, have or obtain any
29 recourse or right, whether by way of set-off, counter-claim, charge or
30 otherwise, against moneys standing to the credit of that account.