



LEGAL EDUCATION (CONSOLIDATION, ETC.) ACT

CAP L10 L.F.N. 2004

Arrangement of sections

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Legal Education (Consolidation, etc.) Act

CITATION

An Act to re-enact the Legal Education Act 1962 as amended up to date and to introduce new provisions relative to the composition of the Council of Legal Education and the appointment of the Director-General of the Nigerian Law School.

COMMENCEMENT

8th March 1976

1. (1) There shall be a body to be known as the Council Establishment and of Legal Education (hereafter in this Act referred to as functions of "the Council") which shall be a body corporate with perpetual succession and a common seal.

(2) The Council shall have responsibility for the legal education of persons seeking to become members of the legal profession.

2. (1) The Council shall consist of-

(a) a chairman, to be appointed by the National Council of Ministers on the recommendation of the Attorney-General of the Federation;

(b) Attorneys-General of the States or, where there are no Attorneys-General, the Solicitors-General of the States;

(c) a representative of the Federal Ministry of Justice to be appointed by the Attorney-General of the Federation;

(d) the head of the faculty of law of any recognised university in Nigeria whose course of legal studies is approved by the Council as sufficient qualification for admission to the Nigerian Law School;

(e) the president of the Nigerian Bar Association;

(f) fifteen persons entitled to practise as legal practitioners in Nigeria of not less than ten years standing and selected or elected by the Nigerian Bar Association;

(g) the Director-General of the Nigerian Law School; and

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

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

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

(4) The quorum of the Council shall be 10 and the Council may regulate its own procedure; and the validity of any proceedings of the Council shall not be affected by any defect in the appointment of any member, or by reason that a person not entitled to do so took part in the proceedings.

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

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

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

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

(a) he is a citizen of Nigeria; and

(b) he has, except where the Council otherwise directs, successfully completed a course of practical training in the Nigerian Law School which (including the time spent in taking the examination at the end but excluding any interval between the conclusion of the examination and the announcement of the results thereof) lasted for a period fixed by the Council as an academic year.

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

(2) No person shall be appointed as Director-General of the Nigerian Law School unless-

(a) he is the holder or a former holder of the office of a professor in a faculty of law in a Nigerian university; or

(b) he is the holder of such qualification as are required for appointment as a professor in a faculty of law in a Nigerian university; or

(c) he is a legal practitioner who has on the date of application, or had at any time prior to that date, been in active legal practice for not less than ten years.

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

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

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

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

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

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

(5) Any order made under the Legal Education (Pensions) Act, 1965 in respect of offices constituted by the Council before the commencement of this Act shall continue to have effect in accordance with its terms as if made by the Commission in exercise of powers conferred by this section.

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

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

(3) The said Minister shall make regulations as to the keeping of accounts and records by the Council or by an officer of the Council, with respect to sums paid to the

Council out of moneys provided by the Federal Government and fees collected by the Council from students of the Nigerian Law School, and as to audit of the accounts; and the regulations shall provide for the submission in every year of a copy of the accounts to the National Council of Ministers.

9. All fees collected by the Council from the students of the Nigerian Law School shall be paid into the Treasury of the Government of the Federation and shall form part of the Consolidated Revenue Fund of the Federation.

10. (1) This Act may be cited as the Legal Education (Consolidation, etc.) Act.

(2) The Legal Education Act 1962 is hereby repealed and the following other enactments, that is to say-

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

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

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

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

(3) The repeal of the enactments specified in subsection (2) of this section shall not affect any rules, orders, regulations or other instruments made under any of the enactments repealed and such rules, orders, regulations or other instruments shall continue to have effect as if made under the corresponding provisions of this Act.