

LEGAL PROFESSION REGULATION BILL
A Bill for an Act to repeal the Legal Practitioners Act Cap C11 LFN 2004 and all amendments thereto; Legal Education (Consolidation etc.) Act Cap. L10 LFN 2004 and enact the Legal Profession Regulation Act which shall regulate the legal profession

[Commencement]

[1st December 2017]

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

PART I
PRELIMINARY
REGULATORY OBJECTIVES AND PROFESSIONAL PRINCIPLES

1. Regulatory Objectives -

The regulatory objectives of this Bill shall include -

- (a) to maintain public confidence in the provision of legal services;
- (b) to promote and protect public and consumers interest;
- (c) to promote the rule of law and improve access to justice;
- (d) to recognize and preserve the status of the legal profession
- (e) to ensure the independence, integrity and honour of members of the legal profession;
- (f) to increase public understanding of the citizen's legal rights and duties;
- (g) to encourage an independent, strong, diverse and effective legal profession;
- (h) to establish and maintain standards for the continued education, competence and responsibility of members of the legal profession and notaries public; and
- (i) to promote transparency, proportionality and efficiency in the regulation of the legal profession.

2. Professional Principles -

Every legal practitioner must comply with the following obligations:

- (a) to uphold the rule of law and to facilitate the administration of justice in Nigeria;
- (b) to act with independence and integrity;
- (c) to maintain proper standards of work;
- (d) to act in the best interest of their clients as well as administration of justice;
- (e) to comply with his or her duty to the court or other authority, to act with independence in the interest of justice; and
- (f) to keep the affairs of clients confidential.

PART II

LEGAL PROFESSION REGULATION COUNCIL OF NIGERIA

3. Establishment of the Legal Profession Regulation Council of Nigeria

- (1) There is hereby established a body to be known as the Legal Profession Regulation Council of Nigeria which shall be a body corporate with perpetual succession and a common seal; and shall be the apex regulator of the legal profession in Nigeria.

- (2) The functions of the Legal Profession Regulation Council of Nigeria includes -
 - i. to regulate the legal profession in the overall interest of the public and to achieve the regulatory objectives and professional principles set out under this Act;
 - ii. to regulate such other persons other to whom legal practitioners may delegate some of their duties.
 - iii. to make rules for the regulation of professional conduct and ethics in the profession;
 - iv. to keep and maintain the roll of members of the legal profession;
 - v. to issue Call to Bar certificates;
 - vi. to make rules for the content, maintenance and update of the roll
 - vii. to make rules and regulations for Mandatory Continuing Professional Development and accreditation of professional

- programmes of other organizations for the purpose of meeting this requirement;
- viii. to prescribe practicing fees in consultation with the Nigerian Bar Association; and to set the principles for fixing of practicing fees;
 - ix. to make rules and regulations for keeping of clients' account by legal practitioners;
 - x. to make rules for licensing of law firms and other vehicles for the practice of law;
 - xi. to make rules for pupillage training for young lawyers
 - xii. to prescribe activities reserved for the practice of law;
 - xiii. to regulate the practice of law in Nigeria by foreign lawyers and law firms;
 - xiv. to temporarily manage the affairs of the NBA in case of vacuum;
 - xv. to enforce the provisions of the Act as well as all rules made by the Council under the Act.
 - xvi. to coordinate the activities of all the bodies set up under this Act including issuing internal governance rules for all the bodies created under this Act.

4. Composition of the Legal Profession Regulation Council of Nigeria

- (1) The Legal Profession Regulation Council shall consist of the following members -
- a. the Chief Justice of Nigeria or his alternate who shall may be the President of the Court of Appeal or the Chief Judge of a State High Court or Federal High Court;
 - b. President of Nigeria Bar Association or his alternate;
 - c. two members of the Nigerian Bar Association appointed by the President of NBA;
 - d. the Attorney General of the Federation or his alternate
 - e. one Senior Advocate of Nigeria elected from the Body of Senior Advocates of Nigeria;
 - f. one Attorney General of State elected from the Association of Attorneys General and shall be by rotation;

- g. two Nigerian members from the International Federation of Women Lawyers – FIDA;
 - h. one young lawyer who shall be elected by the Young Lawyers Forum of Nigeria and such person shall meet the following criteria of integrity, selflessness, objectivity, accountability, openness, honesty and leadership;
 - i. six legal practitioners directly elected from the six geopolitical zones in Nigeria in accordance with the provisions of the Constitution of the Nigerian Bar Association provided that each such person shall meet the criteria of integrity, selflessness, objectivity, accountability, openness, honesty and leadership;
 - j. one law teacher who shall be elected from the Association of Law Faculties of Nigeria
 - k. three lay persons appointed by an Appointment Panel from the Institute of Directors, Nigeria; and the Nigerian Medical Association; and
 - l. the Chief Executive Officer of the Secretariat of the Council
- (2) The Chairman of the Council shall be elected from the members and shall not include the ex officio members of the Council.
- (3) The Appointment Panel mentioned in paragraph (j) of subsection (1) of this section shall consist of –
- i. the President of the Nigerian Bar Association who shall be the chairman of the Panel;
 - ii. the President of the Nigerian Medical Association; and
 - iii. the President of the Institute of Directors, Nigeria
- (4) The election from the Young Lawyers Forum of Nigeria shall be by open competition and appropriate arrangement even in advertisement to ensure that qualified persons who meet the criteria set out put their names forward.
- (5) The tenure of the members of the Legal Profession Regulation Council of Nigeria mentioned in paragraphs (b),

(c), (e), (f), (g), (h), (i), (j) and (k) of subsection 1 of this section shall be a single term of three years

- (6) The tenure of the Chief Executive Officer of the Council shall be a single term of five years.
- (7) The quorum of the Legal Profession Regulation Council of Nigeria shall be one third of the members and the Council may make standing orders regulating the procedure of the Council and, subject to the provisions of any such orders, may regulate its own proceedings; and no proceedings of the Council shall be invalidated by any vacancy in the membership of the Council, or by the fact that any person took part in the proceedings who was not entitled to do so.
- (8) The qualification for members of Council shall be as follows:
 - i. Selflessness; integrity; objectivity; accountability; openness; honesty; and leadership; and
 - ii. Must be persons who can contribute to policy and strategic development with vision and direction.
- (9) The Legal Profession Regulation Council of Nigeria shall hold minimum of four (4) meetings in a year.
- (10) The Legal Profession Regulation Council of Nigeria shall be funded as follows:
 - i. By 30% of the practicing fees paid by legal practitioners for each year;
 - ii. By the licensing fees charged for licensing law firms; and
 - iii. Other fees charged for conducting the Continuing Professional Development program or accrediting organizations authorized to organize training for legal practitioners for the purpose of the programme.
 - iv. Fees from other services based on principles of reasonable cost recovery
 - v. Receipt of gifts and donations or grants
 - vi. The Council shall maintain a fund for the running of its affairs

5. Annual Reports

- (1) The Secretariat of the Council must prepare a report referred to as “the annual report” for each financial year.
- (2) The annual report must deal with-
 - i. The discharge of the Council’s functions,
 - ii. The extent to which, in the Council’s opinion, the Council has met the regulatory objectives, and
 - iii. Such other matters as the Council may from time to time direct.
- (3) The Council must lay a copy of the annual report before the National Executive Council of the Association at its annual meeting.
- (4) In this subsection, “financial year” means-
 - i. The period beginning with the day on which the Council is established and ending with the next following day making a period of 12 calendar month;
 - ii. Each successive period of 12 months

6. Cessation of appointment as members of Council

- (1) A person shall cease to be a member of the Council if:
 - i. He ceases to be a legal practitioner;
 - ii. His appointment has expired; or
 - iii. He is appointed by reason of being a lay person but ceases to be a lay person by qualifying as a legal practitioner;
 - iv. He ceases to be a member of the Association;
 - v. He is unfit to be a member if convicted of a felony or offence involving dishonesty; and
 - vi. By notice in writing to the Chief Executive Officer of the Council that he resigns his membership of the Council.

7. Supplementary powers

- (1) The Council may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions in line with the regulatory objectives of this Act.
- (2) The Council shall have powers to set up panel to advice on specific issues as may be referred to them by the Council

8. Establishment of Secretariat for the Legal Profession Regulation Council of Nigeria

- (1) There shall be established a secretariat for the Legal Profession Regulation Council of Nigeria which shall be headed by a Chief Executive Officer and shall be the accounting officer.
- (2) The Chief Executive Officer shall be a member of the Council
- (3) The Council shall appoint a Chief Executive Officer on the recommendation of the appointment panel set up under section 4(3) of this Bill; who shall direct the administrative and secretarial functions of the Council through the Council Secretariat.
- (4) The Chief Executive Officer shall be for a single term of five years on such terms as to remuneration.
- (5) The Council Secretariat shall have administrative staff as may be decided by the Council.
- (6) The Council Secretariat shall discharge all such duties as the Council shall assign to it.
- (7) Anything required to be done and any directions required to be exercised by, and any notice required to be given by the Chief Executive Officer may be done or exercised by, or given to, any deputy of the Chief Executive authorized by the Chief Executive to so do (either generally or for a particular purpose).

9. Establishment of the Committees of the Council

- (1) There shall be established the following Committees of the Legal Profession Regulation Council of Nigeria –
 - a. Body of Benchers
 - b. Professional Conduct Committee
 - c. Legal Services, Ethics and Standards Committee
 - d. Remuneration and Welfare Committee
 - e. Governance, Risk and Audit Committee
 - f. Compliance and Enforcement Committee

- g. Legal Aid and Pro bono Committee
- h. Education and Training Committee
- i. Young Lawyers and Career Committee
- j. Privileges Committee
- k. Law Reform and Research Committee

Provided that the Legal Practitioners Council of Nigeria shall have the power to create as many Committees as possible on ad hoc basis to carry out certain responsibilities as may be designated by the Council

10. Body of Benchers -

(1) There shall be a Committee to be known as the Body of Benchers which shall be a Committee of the Legal Profession Regulation Council of Nigeria and shall consist of the following:

- a. the Chief Justice of Nigeria and 3 Justices of the Supreme Court;
- b. the President of the Court of Appeal and 2 Justices of the Court of Appeal;
- c. the Attorney General of the Federation;
- d. the Chief Judge of the Federal High Court;
- e. the Chief Judge of the Federal Capital Territory High Court, Abuja;
- f. six Chief Judges of the States to be appointed by the Chief Justice of Nigeria in consultation with the Attorney General of the Federation;
- g. six Attorneys General of the States to be nominated by the Body of Attorneys General of the States and the Federation;
- h. the President of the Nigerian Bar Association;
- i. A non ex-officio member of the Council nominated by the Council;
- j. the Chairman of Council of Legal Education;
- k. Thirty (30) legal practitioners elected from the various sections of the Nigerian Bar Association; ten (10) of which shall be Senior Advocates of Nigeria to be elected from the Body of Senior Advocate of the Nigeria.

(2) The Association shall make rules for election of the persons mentioned in paragraph (k) of subsection (1) of this section or such election shall be as stipulated in the Constitution of the Association.

(3) The Body of Benchers shall be responsible for the formal call to Bar of persons seeking to become legal practitioners in Nigeria and taking all measures which appear to it to be necessary or expedient for maintaining at all times the traditional values of the legal profession.

11. (1) The appointment of the members of the Body of Benchers shall be guided by the principles of integrity, selflessness, objectivity, accountability, openness, honesty and leadership.

(2) The Body of Benchers shall have at least four (4) meetings in a year or as many times as possible as the need arises.

(3) Upon the commencement of this Act, there shall cease to be Life Benchers provided that the existing Life Benchers shall continue to hold such distinction as may have been made under the repealed Legal Practitioners Act.

12. PROFESSIONAL CONDUCT COMMITTEE

(1) There shall be established a Committee of the Legal Profession Regulation Council of Nigeria which shall be known as the Professional Conduct Committee.

(2) The Professional Conduct Committee shall be charged with the responsibility of considering and determining any case where it is alleged that a person who is a member of the legal profession has committed a professional in his capacity as such or should for any other reason be the subject of proceedings under this Act.

(3) The Professional Conduct Committee shall be constituted in a 5-man Panel for the purpose of hearing cases of professional misconduct referred to it.

- (4) Appointment panel to be responsible for constituting the panel for the Professional Conduct Committee; taking into consideration location of the lawyer, area of practice and ensure the members of the panel
- (5) The Professional Conduct Committee shall develop a complaint management framework and procedure for the purpose expedited and effective hearing and determining complaint against legal practitioners for professional misconduct.
- (6) The 5-man Panel shall include one lay person
- (7) The appointment of members of this Committee shall be guided by the following criteria: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (8) The appointment of the members of this Committee shall be by open competition and appropriate arrangement even in advertisement to ensure that qualified persons who meet the criteria set out put their names forward

13. LEGAL SERVICES, ETHICS AND STANDARDS COMMITTEE

- (1) The Legal Profession Regulation Council of Nigeria shall have a Committee to be known as the Legal Services, Ethics and Standards Committee.
- (2) The members of the Committee shall be 30; appointed by the Appointment Panel for a single term of 3 years and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (3) The appointment shall be by election based on open competition and appropriate arrangement even in advertisement to ensure that qualified persons who meet the criteria set out put their names forward.
- (4) The Committee shall be responsible for the following:
 - a. Setting and maintaining ethical and professional standards for legal practice in Nigeria

- b. Conducting inspection and making recommendations for approval of licenses for legal practitioners and law firms
 - c. Conducting spot and routine inspections of law offices and law firms;
 - d. Approving of other vehicles of law practice;
 - e. Vetting for
 - f. Overseeing ethical practice of legal practitioners;
 - g. Monitoring activities of law firms including ensuring compliance with set standards of legal practice
- (5) The tenure of the members of this Committee shall be for a single term 3 years.

14. REMUNERATION AND WELFARE COMMITTEE

- (1) There shall be established a Committee of the Legal Profession Regulation Council of Nigeria which shall be known as the Remuneration and Welfare Committee
- (2) The composition of the Remuneration and Welfare Committee –
- a. To consider and advise on all matters relating to remuneration of the Bar including legal aid,
 - b. To determine the terms on which legal practitioners accept work/brief;
 - c. Remuneration of legal practitioners providing other services including public service and private organization
 - d. To determine minimum remuneration for young lawyers in private law firms.
 - e. To advise the Bar in respect of pension and insurance issues
- (3) The members of the Committee shall be 20 appointed by the Legal Profession Regulation Council of Nigeria for a single term of 3 years and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

- (4) The appointment shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.

15. LEGAL AID AND PRO BONO COMMITTEE

- (1) There shall be established a Committee of the Legal Profession Regulation Council of Nigeria which shall be known as the Legal Aid and Pro Bono Committee and shall be responsible for the following:
 - a. Promoting quick access to justice in Nigeria;
 - b. Ensuring effective representation and defence for indigent persons in criminal matters
 - c. Setting standards regarding prosecution of the defence of indigent persons in civil matters; and
- (2) The composition of the Legal Aid and Pro Bono Committee shall be 30 appointed by the Legal Profession Regulation Council of Nigeria and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (3) The appointment shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.

16. EDUCATION AND TRAINING COMMITTEE

- (1) There shall be established an Education and Training Committee which shall be a Committee of the Legal Practitioners Council of Nigeria and shall be responsible for:
 - i. coordinating continuous professional development of legal practitioners;
 - ii. developing and organizing training programs for the continuous and professional development of legal practitioners;

- iii. to liaise with the Nigerian Bar Association in conducting continuous legal education and professional development training for legal practitioners; and
 - iv. to perform other functions relating to legal education and training of legal practitioners in Nigeria.
- (2) The Education and Training Committee shall consist of 25 members appointed by the Legal Profession Regulation Council of Nigeria and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (3) The appointment of the members of this Committee shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.
- (4) The functions of the Education and Training Committee shall be carried out in line with the regulatory objectives of this Bill.

17. YOUNG LAWYERS AND CAREER COMMITTEE

(1) There shall be established a Committee of the Legal Profession Regulation Council of Nigeria which shall be known as the Young Lawyers and Career Committee and which shall consist of 20 members appointed by the Legal Profession Regulation Council of Nigeria. Such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

(2) The appointment of the members of this Committee shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that

qualified persons who meet the criteria set out put their names forward.

(3) The Young Lawyers and Career Committee shall be saddled with the following responsibility:

- a. to articulate the welfare of young lawyers and address the issues concerning their welfare and professional development;
 - b. to organize mentorship programs for young lawyers;
 - c. to develop plans for welfare of young lawyers;
 - d. to partner with the Nigerian Bar Association Young Lawyers Forum in the performance of its responsibility; and
 - e. to perform other functions relating to career and professional development of young lawyers in Nigeria.
- (4) The functions of this Committee shall be carried out in line with the regulatory objectives of this Bill.

18. GOVERNANCE, RISK AND AUDIT COMMITTEE

- (1) There shall be a Committee of the Legal Profession Regulation Council of Nigeria known as the Governance, Risk and Audit Committee.
- (2) The Governance, Risk and Audit Committee shall consist of 20 members appointed by the Legal Profession Regulation Council of Nigeria and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (3) The appointment of the members of this Committee shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.
- (4) The Governance, Risk and Audit Committee shall be responsible for assisting the Council to fulfill its oversight

functions in areas such as financial reporting, internal control systems and internal and external audit functions.

(5)The tenure of the members of this Committee shall be a single term of three years.

(6)The functions of this Committee shall be carried out in line with the regulatory objectives of this Bill.

19. COMPLIANCE AND ENFORCEMENT COMMITTEE

(1)There shall be established a Committee of the Legal Profession Regulation Council of Nigeria known as Compliance and Enforcement Committee.

(2)The Committee shall consist of 25 members appointed by the Legal Profession Regulation Committee and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

(3)The appointment of the members of this Committee shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.

(4)The Committee shall be responsible for ensuring compliance with the provisions of this Bill regulating legal practice and enforcing any sanctions made hereunder for failure to comply.

(5)The tenure of the members of this Committee shall be a single term of three years.

(6)The functions of this Committee shall be carried out in line with the regulatory objectives of this Bill.

20.PRIVILEGES COMMITTEE

- (1) There shall be a committee to be called the Privileges Committee which shall be a Committee of the Legal Profession Regulation Council of Nigeria.
- (2) The Privileges Committee shall consist of 30 members appointed by the Legal Profession Regulation Council of Nigeria and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (3) The appointment of the members of this Committee shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.
- (4) The Privileges Committee shall be responsible for recommending standard for recognition and awards of Senior Advocates of Nigeria and certified specialist in specialised areas of legal practice in accordance with the rules and criteria set by the Legal Profession Regulation Council of Nigeria.
- (5) The Privileges Committee may by instrument confer on a legal practitioner the rank of Senior Advocate of Nigeria.
- (6) A person shall not be conferred with the rank of Senior Advocate of Nigeria unless he has been qualified to practice as a legal practitioner in Nigeria for not less than ten years and has achieved distinction in the legal profession in such manner as the Committee may, from time to time, determine.
- (7) The Legal Profession Regulation Council of Nigeria shall make rules and set criteria for the certification of specialist in specialised areas of legal practice.
- (8) Such legal practitioners as may be certified to be of expertise in a particular area of practice shall not be less than 10 years post call and must have acquired sufficient expertise in the area of legal practice for which he is to be certified.
- (9) The functions of this Committee shall be carried out in line with the regulatory objectives of this Bill.

21.LAW REFORM AND RESEARCH COMMITTEE

- (1) There shall be established a Committee of the Legal Profession Regulation Council of Nigeria which shall be known as Law Reform Committee and shall be responsible for the following:
 - i. to develop and consider proposal for law reform;
 - ii. to submit views to the Government, the legislature and other government agencies where appropriate on law reforms;
 - iii. to liaise with the Federal and States legislatures on all matters relating to proposed and pending bills and other legislative issues;
 - iv. to conduct research and inquiries relating to legislation; and
 - v. to perform other functions relating to law reform in Nigeria.
- (2) The Law Reform Committee shall consist of 30 members to be appointed by the Legal Profession Regulation Council of Nigeria for a single term of 3 years and such appointment shall be guided by the principle of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- (3) The appointment of the members of this Committee shall be by election based on open competition and appropriate arrangement even in advertisement in newspaper to ensure that qualified persons who meet the criteria set out put their names forward.
- (4) The functions of this Committee shall be carried out in accordance with the regulatory objectives of this Bill.

22. Accounts and audit

- (1) The Legal Profession Regulation Council of Nigeria shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Council.
- (2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General of the Federation the accounts of the Council together with—

(a) a statement of the income and expenditure of the Council during the year; and (b) statement of the assets and liabilities of the Council on the last day of that year.

(3) The accounts of the Council shall be prepared and be submitted for examination annually by the Auditor-General of the Federation.

PART III

ESTABLISHMENT, COMPOSITION, FUNCTIONS, POWERS, ETC OF THE COUNCIL OF LEGAL EDUCATION

23. Establishment of the Council of Legal Education

(1) There is hereby established a Council to be known as the Council of Legal Education.

(2) The Council shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; and

(c) doing or performing any other things or acts for the furtherance of the provisions of this Act which may be lawfully done or be performed by a body corporate.

24. Composition of the Council

(1) The Council shall consist of the following persons:

(a) a Chairperson, who shall be a retired Judge or a distinguished Professor of Law or a person who is qualified to practise as a legal practitioner in Nigeria and has been so qualified for not less than fifteen years, to be appointed by the President on the recommendation of the Attorney-General of the Federation;

(b) one State Attorney-General, to be elected by the Body of Attorneys-General of Nigeria;

(c) The Attorney General of the Federation;

(c) the president of the Nigerian Bar Association;

(d) the president of the Nigerian Association of Law Teachers;

- (e) five heads of the faculty or college of law of any recognised university in Nigeria, whose course of legal studies is approved by the Council, one representing each of the geo-political from a Federal University, one from Private University, one from a State-owned University [elected by the Committee of Deans, Provosts and Directors of the Nigerian Association of Law Teachers] and the DG of the Nigerian Law School;
- (f) six persons qualified to practice as legal practitioners in Nigeria and who have been so qualified for not less than ten years, at least 50% of whom shall be female, representing the six geo-political zones and elected by the National Executive Committee of the Nigerian Bar Association through an open and competitive process and appropriate advertisement even in newspaper to ensure that qualified persons put forward their names for the purpose of the election; one member to be a Senior Advocate of Nigeria to be recommended by the Body of Senior Advocates of Nigeria;
- (g) representative of the National University Commission
- (h) the Executive Secretary
- (i) two lay persons
- (j) one representative of the Legal Profession Regulation Council of Nigeria

25. Quorum

The quorum of the Council shall be nine.

26. Procedure

- (1) The Council may regulate its own procedure.
- (2) 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.

27. Tenure of Office

- (1) The Chairperson of the Council shall hold office for a single term of four years.

- (2) The members of the Council mentioned in paragraphs (b), (c) and (e) shall hold office for a period of two years only, to pave way for the election of other State Attorneys-General and other heads of faculty or college of law, as the case may be, representing their respective geo-political zones.
- (3) The members of the Council mentioned in paragraph (f) shall hold office for a period of two years.
- (4) The Executive Secretary shall hold office for a single term of five years.
- (5) The representative of the National University Commission shall hold office for maximum period of two years, after which a new representative must be nominated
- (6) The lay persons shall hold office for a single term of two years.

28. Vacation of office

The office of the chairperson or a member of the Council, other than an ex officio member, shall become vacant if he or she —

- (a) resigns from office by notice in writing addressed to the President through the Attorney-General of the Federation in the case of the chairperson, or the body that elected him or her, in the case of the members, a copy of which shall be submitted to the Secretary to the Council;
- (b) is absent from three consecutive meetings of the Council without the permission of the chairperson;
- (c) is convicted of an offence by a court and sentenced to imprisonment for a term of six months;
- (d) is convicted of an offence involving fraud or dishonesty;
- (e) is unable, by reason of mental or physical infirmity, to discharge his or her functions as a member of the Council;
- (f) is adjudged by two-thirds majority of the members of the Council as unable or unfit to continue serving as member of the Council; or
- (g) dies.

29. Functions of the Council

(1) The functions of the Council shall be to—

- (a) regulate the legal education of persons seeking to become members of the legal profession in terms of competence and fitness (ethics);
- (b) to keep and maintain index and data of law students;
- (c) regulate legal education and training in Nigeria offered by legal education providers;
- (c) licence or accredit legal education providers;
- (d) supervise legal education providers;
- (e) recognise and approve qualifications obtained outside Nigeria for purposes of admission to the Nigerian Law School or other vocational legal training institutions, as the case may be; and
- (f) advise the Government on matters relating to legal education and training.

(2) Without prejudice to the generality of subsection (1), the Council shall, with respect to legal education providers, be responsible for setting and enforcing standards relating to the—

- (a) accreditation of legal education providers for the purposes of licensing;
- (b) curricula and mode of instruction;
- (c) mode and quality of examinations;
- (d) harmonization of legal education programmes; and
- (e) setting the qualifications and requirements for legal education providers
- (f) conducting examination which shall include the appointment of examiners, moderators, invigilators, members of subject panels and committees and other persons with respect to examinations and any other matter incidental thereto or connected therewith;
- (g) the placement of suitable qualified candidates in the Universities and the Nigerian Law School having taken into account-
 - (i) the vacancies available in each University
 - (ii) the guidelines approved for each University
 - (iii) such other matters as the Council may consider appropriate in the circumstances;

- (h) the collection and dissemination of information on all matters relating to legal education or any other matter relevant to the discharge of the functions of the Council under this Bill;
- (i) the carrying out of such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Bill; and
- (j) monitoring and evaluation of legal education providers and programmes

- (3) In carrying out its functions under subsection (2), the Council shall—
- (a) make Regulations in respect of requirements for the admission of persons seeking to enroll in legal education programmes;
 - (b) establish criteria for the recognition and equation of academic qualifications in legal education;
 - (c) establish a system of equivalencies of legal educational qualifications and credit transfers;
 - (d) advise and make recommendations to the Government and any other relevant authority on matters relating to legal education and training that require the consideration of the Government;
 - (e) collect, analyse and publish information relating to legal education and training;
 - (f) advise the Government on the standardization, recognition and equation of legal education qualifications awarded by foreign institutions;
 - (g) carry out regular visits, inspections or accreditation of legal education providers;
 - (h) enforce accreditation criteria set by it, including withdrawal of accreditation; and
 - (i) perform and exercise any other functions conferred on it by this Act or incidental to the performance of its functions.

(4) Subject to the provisions of this Act, a person shall be entitled to practice as a Barrister and Solicitor of the Supreme Court of Nigeria if and only if his name is on the Roll maintained by the Legal Profession Regulation Council of Nigeria. For this purpose, the Council of Legal

Education shall issue a certificate of eligibility to be on the Roll if satisfied that the candidate has met the requirement under the Act.

- a) If an application under this subsection is made to the Council by or on behalf of any person appearing to be entitled to practice Law in any other Country, the Council shall accredit the qualifications of such applicant specifying the requirements if any to be fulfilled in order for the applicant to be entitled to undergo the training to be enrolled under this Act.
 - b) The Council may grant such waivers and exemptions to the applicant as may be determined by the Council to be appropriate having regard to factors such as the similarity to Nigeria of the Legal System where the applicant is entitled to practice and the experience of the applicant.
- (5) Subject to the provisions of this Act, a person shall be entitled to be called to the Bar and to practice as a solicitor if and only if:
- (a) He is a citizen of Nigeria;
 - (b) He produces a qualifying certificate issued by the Council of Legal Education to the Legal Profession Regulation Council of Nigeria;
 - (c) He satisfies the Legal Profession Regulation Council of Nigeria that he is of good character.
- (6) The Council of Legal Education may by regulations provide that the provisions of subsection (5) of this section shall not apply in such cases and on such conditions as may be specified by the regulations.
- (7) Where any conflict arises between the provisions of this section and the provisions of any other written law for the time being in force, the provisions of this section shall prevail.

30. Powers of the Council

- (1) The Council shall have all the powers necessary or expedient for the performance of its functions under this Act and in particular, the Council shall have the power to—

- (a) control, supervise and administer its assets in such manner and for such purposes as best promote the purpose for which the Council is established;
- (b) appoint, promote and discipline its staff;
- (c) control and administer the Fund;
- (d) receive any lawful grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (e) enter into association with other bodies or organizations within or outside Nigeria as the Council may consider desirable or appropriate and in furtherance of the purpose for which the Council is established;
- (f) open or maintain a bank account or bank accounts for the funds of the Council; and
- (g) invest the funds of the Council not currently required for its purpose.

(2) The Council may, within such time as may be specified by the Council, require any person to furnish any returns or information relating to legal education and training that is in the opinion of the Council required to enable the Council to perform its functions or exercise its powers under this Act.

31. Remuneration

The allowances for the part time members shall be in accordance with the prevailing guidelines on the remuneration of part time members of public bodies issued by the appropriate agency of the Federal Government.

32. Code of Ethics

(1) The members of the Council shall subscribe to, and be bound by a Code of Ethics and commitment to availability to be approved by the Council.

(2) The conduct of affairs of the Council shall be guided by the following principles:

- i. Selflessness
- ii. Integrity
- iii. Objectivity

- iv. Accountability
- v. Openness
- vi. Honesty
- vii. Leadership

33. The Secretary, officers and staff of the Council

- (1) There shall be a secretary to the Council who shall be appointed by the Council on such terms and conditions of service as the Council may determine.
- (2) The secretary shall serve on a full time basis.
- (3) The secretary shall be responsible to the Council for the day to day running of the affairs of the Council and may perform such other duties as may be assigned to him or her by the Council.
- (4) The Council shall appoint such other officers and staff as are necessary for the proper discharge of its functions, upon such terms and conditions of service as the Council may determine.

34. Independence of the Council

The Council shall, in the exercise of its functions, comply with the general policy of the Government relating to legal education and training but shall otherwise not be subject to the control of any other person or authority.

35. Cooperation with other organizations

The Council may, in the discharge of its functions, consult, collaborate and cooperate with—

- (a) the National Universities Commission and other regulators in the field of education, generally;
- (b) the Nigerian Bar Association; and
- (c) ministries, departments and agencies of Government, statutory bodies, and any other body or institution having functions or objects related to the functions of the Council.

36. Invitation of experts

- (1)The Council may invite any public officer or other person or any representative of any body, who in the opinion of the Council, has expert knowledge in matters relating to the functions of the Council to attend any meeting of the Council and participate in the proceedings.
- (2)A person attending a meeting under this section may, if invited, participate in any discussion at the meeting but shall not vote.

37. Delegation by the Council

The Council may, by resolution, generally or in a particular case, delegate to any of its committees, member, officer, employee or agent, the exercise of any of the powers or the performance of any of the functions of the Council under this Act.

38. Common seal of the Council

- (1)The common seal of the Council shall be kept in such custody as the Council shall direct and shall not be used except on the order of the Council.
- (2)The common seal of the Council shall, when affixed to a document and duly authenticated, be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to have been duly given.

39. Protection from liability

- (1)No matter or thing done by a member of the Council, any officer, employee or agent of the council shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Council under this Act, render the member, officer, employee or agent or any person acting under their direction liable to any action, claim or demand whatsoever.
- (2)The provisions of subsection (1) shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of the

powers conferred on the Council by this Act or by any written law or by the failure, whether wholly or partially, of any works.

REGULATION OF LEGAL EDUCATION PROVIDERS

40. Licensing, Accreditation, etc of Legal Education Providers

- (1) An institution that intends to offer any course or programme of legal education in Nigeria for the award of a degree, diploma or certificate as a professional qualification in law shall apply to the Council for a licence or accreditation, as the case may be.
- (2) An application under subsection (1) shall be in such form and shall be accompanied by such fee as may be prescribed by the Council.
- (3) The Council may by notice in the Gazette declare a course or programme, specified in the notice, being offered or provided by any person or institution to be a course or programme for which a licence or accreditation is required under this section.
- (4) A certificate of attendance at a course, workshop or seminar shall not be considered a degree, diploma or certificate for purposes of this Act.
- (5) A document issued at the end of a programme or training after the commencement of the Act, purporting to be evidence of the award of a degree, diploma or certificate in law shall not be valid unless the Council had licensed or accredited the programme or training.

41. Issuance of licence

- (1) Where the Council determines that an applicant is suitable and competent to offer legal education programmes or training, the Council may issue a licence to the applicant or accredit the programme or training.
- (2) The Council shall specify, in the licence or proof of accreditation, the courses or legal education programmes which the legal education provider may offer and any terms and conditions that the Council may consider necessary.
- (3) The Council shall, upon licensing or accrediting an institution as a legal education provider under this Act, publish the name of the institution on its website or in the Gazette or at least one daily newspaper with nationwide circulation.

42. Display of licence

- (1) Every licensed or accredited legal education provider shall display its licence or proof of accreditation in a prominent place, at its registered office and at every branch office in which the business of a legal education provider is conducted.
- (2) A legal education provider shall clearly state in all its letters, accounts, agreements and other documents the fact that it is licensed as a legal education provider.
- (3) Impose such fines as necessary to ensure compliance.

43. Suspension or revocation of licence

- (1) Where the Council has reasonable grounds to believe that a legal education provider is not complying with the terms and conditions of the licence or accreditation, it may, after giving the legal education provider an opportunity to be heard, by notice in writing require the legal education provider to take the corrective action specified in the notice within the period specified in the notice, to the satisfaction of the Council.

If the legal education provider fails to comply with a notice issued under subsection (1) within the period specified in the notice, the Council may, after calling upon the legal education provider to show cause why the licence or accreditation should not be cancelled—

- (a) suspend the licence or accreditation for such period as the Council considers necessary; or
- (b) revoke the licence or accreditation.

FINANCIAL PROVISIONS

44. The Legal Education Fund

- (1) There is established a fund to be known as the Legal Education Fund which shall vest in the Council.
- (2) There shall be paid into the Fund—

- (a) such moneys as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act;
 - (b) such sums as may be payable to the Council pursuant to this Act or any other written law, or pursuant to any lawful gift or trust; and
 - (c) all moneys from any other lawful source provided for or donated or lent to the Council.
- (3) There shall be made to the Council, out of monies appropriated for that purpose, grants towards the expenditure incurred by the Council in the exercise of its powers or the performance of its functions under this Act.
- (4) There shall be paid out of the Fund any expenditure incurred by the Council in the exercise of its powers or the performance of its functions under this Act.

45. Investment of funds

- (1) The Council may invest any of its funds in securities in which trustees may by law invest trust funds, or in any other securities, which the Treasury may from time to time approve for that purpose.
- (2) The Council may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the Council.

46. Financial year

Unless the Federal Government otherwise directs, the financial year of the Council shall be the period of twelve months ending on the thirty first of December in each year.

47. Annual estimates

- (1) Before the commencement of every financial year, the Council shall cause to be prepared estimates of revenue and expenditure of the Council for that year.
- (2) The annual estimates shall make provision for all the estimated expenditure of the Council for the financial year and in particular, the estimates shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the Council;
- (b) for the payment of pensions, gratuities and other charges in respect of the retirement benefits which are payable out of the funds of the Council;
- (c) for the proper maintenance of the buildings and grounds of the Council;
- (d) for the maintenance, repair and replacement of the equipment and other property of the Council;
- (e) all expenditure incurred in relation to the establishment, equipment or management of any training institution by the Council; and
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of building or equipment, or in respect of such other matter as the Council may deem appropriate.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the relevant organs of the Government for approval, and thereafter the Council shall not increase or decrease the annual estimates except with the requisite authority.

(4) No expenditure shall be incurred for purposes of the annual estimates approved under this section or in pursuance of an authorization of the Council given without prior requisite approval.

48. Accounts and audit

(1) The Council shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Council.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General of the Federation the accounts of the Council together with—

(a) a statement of the income and expenditure of the Council during the year; and (b) statement of the assets and liabilities of the Council on the last day of that year.

(3) The accounts of the Council shall be prepared and be submitted for examination annually by the Auditor-General of the Federation.

OFFENCES

49. Illegal operation of legal education programme or training

A person who offers any course or programme of legal education in Nigeria for the award of a degree, diploma or certificate as a professional qualification in law without a licence or accreditation commits an offence and shall be liable on conviction to a fine of not less than One Million Naira or to imprisonment for a term not exceeding five years or to both.

50. False information or representation, etc

(1) A person who—

(a) for the purpose of procuring the registration of himself or another person as a legal education provider, or for any other purpose under this Act knowingly makes any false statement or representation, or produces or furnishes or causes to be produced or furnished any document or information which he knows to be false in a particular material;

(b) being a registered legal education provider has a place of business other than the one specified in the licence and carries on business as a legal education provider at that place; or

(c) offers, purports to offer or holds himself out as offering legal education, otherwise than in accordance with this Act, commits an offence.

(2) A person who commits an offence under this section is liable on conviction to a fine of not less than five hundred thousand naira or to imprisonment for a term not exceeding one year or to both.

51. Offences by body corporate

Where an offence is committed by any company or other body corporate, society, association, or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or

body of persons commits an offence and is liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or was about to be committed, or that he took all reasonable steps to prevent its commission.

52. General penalty

A person who commits an offence under this Act for which no penalty is specifically provided is liable to a fine of not less than one hundred thousand naira or imprisonment for a term not exceeding one year or both.

53. Administrative Fines

(1) The Council shall have power to suspend the consideration and approval of a license or accreditation of any person or institution in breach of any provisions of this Act not exceeding a period of five years.

(2) The Council may also impose an administrative fine of Five Thousand Naira for every day of such infraction.

54. Seizure

(1) The Council shall have power to seize and seal up the property of a legal education provider who fails to comply with the provisions of this Act

(2) The property seized and sealed up by the Council under this section shall be deemed to be property under the custody of the Council subject only to an order of Court.

(3) The Council shall blacklist any legal education provider who fails to comply with the provision of this Act.

MISCELLANEOUS PROVISIONS

55. Notice of change of directors, etc of a legal education provider that is a body corporate

(1) Where a legal education provider is a body corporate, and at any time thereafter changes are made— (a) in the directors of that body corporate;

or (b) in the management of the body corporate, the legal education provider shall, within seven days after the change, serve the Council, with a notice giving particulars of the change.

(2) A legal education provider that fails to comply with the provisions of subsection (1) commits an offence.

56. Reciprocal agreements

(1) The Council may recommend, to appropriate authorities, the conclusion by Nigeria of reciprocal arrangements with the government of any country in the interests of and in furtherance of legal education in Nigeria.

(2) Without prejudice to the generality of subsection (1), the reciprocal arrangements referred to in subsection (1) may include arrangements relating to—

(a) credit transfers between a legal education provider in Nigeria and a legal education provider in another country;

(b) liaison between the Council and a regulator of legal education in another country; and

(c) the harmonization of the curricula of legal education in Nigeria with those in another country.

(3) For the purpose of giving effect to any reciprocal arrangement under this section, the Attorney-General may, on the advice of the Council, make Regulations for giving effect in Nigeria to any such arrangements and for adapting this Act in its application to cases affected by such arrangements.

57. Regulations

(1) The Attorney-General of the Federation may, upon recommendation of the Council and make Regulations for the purposes of giving effect to the provisions of this Act, and in particular, such Regulations may—

(a) make provision for the assessment criteria to be used by the Council in consultation with the local bar associations in other jurisdictions, in accrediting foreign programmes;

- (b) provide for the Council to, in consultation with the National Universities Commission, establish mechanisms for the continuous monitoring and evaluation of the programmes of legal education providers or foreign universities recognized by the Council;
- (c) authorize the charging by the Council of fees in respect of any application, licence or other service under this Act;
- (d) make provision for the establishment of legal education and training institutions;
- (e) provide for the terms and conditions of service, including the appointment, dismissal, remuneration and retirement benefits of the members of staff of the Council; and
- (f) prescribe any other thing required or permitted to be prescribed for the better carrying out of the objects of this Act.

(2) The Regulations made under this Act may grant or provide for the granting of exemptions from any of the provisions of the Regulations, conditionally or unconditionally.

58. Definition

(1) In this part, Council means the Council of Legal Education.

PART IV

CONSTITUTION AND FUNCTIONS OF THE NIGERIAN LAW SCHOOL

59. Definition

In this part of this Bill, unless the context otherwise requires—
“campus” means any campus which may be established by the Nigeria Law School;
“Council” means the Governing Council established by this part of this Bill for the Nigerian Law School;
“approved university” means university in Nigeria duly accredited by the National Universities Commission and the Council of Legal Education and whose law degree is acceptable for admission to the Nigerian Law School;

“Other Universities” means university law programmes of other countries as may be approved under the Council of Legal Education accreditation process.

“Attorney General” means the Attorney General of the Federation and Minister of Justice;

“notice” means notice in writing;

“prescribed” means prescribed by statute or regulations;

“property” includes rights, liabilities and obligations;

“qualified law graduate” means graduates from approved Nigerian universities and eligible graduates of other universities from common law countries or as may be approved by the Council of Legal Education.

“regulations” means regulations and rules made by the Council.

60. Incorporation and objects of the Nigerian Law School

(1) There is hereby established the Nigerian Law School (in this Act referred to as “the Law School”) which shall be a body corporate with perpetual succession and a common seal.

(2) The Law School may sue and be sued in its corporate name.

(3) The Law School shall have power to hold and acquire property, movable and immovable, in its name.

(4) The objects of the Law School shall be—

(a) to provide vocational training to qualified law graduates seeking to become legal practitioners in Nigeria.

(b) To provide courses of instruction and other facilities for the pursuit of vocational training in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them.

(c) to encourage and promote scholarship and conduct research in all fields of vocational training.

(d) such other vocational training, activity or other matters as the Governing Council may be directed by the Attorney General or the Council of Legal Education or the Governing Council itself to consider as may be appropriate in the circumstances;

- (e) To undertake any other activity appropriate for the attainment of the foregoing objects.

61. Structure of the Law School

The Law School shall operate a multi-campus structure with the headquarters to be in Abuja and such number of campuses and their locations to be cited in places at which the Governing Council may approve.

62. Composition of the Council

The Council of the Law School shall consist of—

- (a) The Chairman;
- (b) The Director General;
- (c) One Deputy Director General on rotational basis; and one senior staff of the law school to be elected among their fold.
- (d) Two Deans of approved Faculties of Law of Nigerian Universities, on rotational basis.
- (e) One (1) lay person to be nominated by the Chairman of Council of Legal Education
- (f) Five legal practitioners of not less than fifteen years post call experience nominated by the Nigerian Bar Association;

63. Constitution and Principal Officers of the Law School

(1) The Law School shall consist of—

- (a) The Chairman
- (b) The Director-General
- (c) The Deputy Directors-General
- (d) all members of the academic staff of the Law School
- (e) all members of the administrative staff of the Law School

64. Functions of the Nigerian Law School and their exercise

(1) Subject to the provisions of this Bill and the regulations made by the Council of Legal Education to determine criteria and eligibility for admission into the Law school, the Nigerian Law School shall perform the following:

- (a) to admit and conduct vocational training in accordance with the provisions of this Bill.
- (b) to conduct examinations and grant qualifying certificates to deserving students who have duly completed the course of vocational training and satisfied other requirements as the Law School may from time to time determine;
- (c) to institute the rank of Professor/Director, Deputy Director/Reader, Senior Lecturer, Lecturers and other administrative and professional staff and to make appointments thereto.
- (d) to establish such campuses and research units as may from time to time seem necessary or desirable subject to the approval of the Council;
- (e) to institute professorships, readerships, lectureships and other positions and offices and to make appointments thereto;
- (f) to provide for the welfare and discipline of principal officers, administrative, professional and other staff including students ;
- (g) to conduct examinations and grant qualifying certificates to deserving students who have duly completed the course of vocational training and satisfied other requirements as the Nigerian Law School may from time to time determine;
- (h) to demand and receive from the students or any other persons attending the Nigerian Law School for the purpose of instruction, such fees as the Nigerian Law School may, from time to time determine;
- (i) to acquire, hold, grant charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (j) to accept gifts, legacies and donations, but without obligation to accept same for a particular purpose unless it approves the terms and conditions attached thereto;
- (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with other persons, and employ and act through agents;

- (l) to erect, provide, equip and maintain libraries, lecture halls, halls of residence, refectories, auditoriums, moot court room, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the Law School;
- (m) to invest any moneys appertaining to the Law School by way of endowment, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investment or securities or in the investment or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being uninvested with any bank on deposit or current account;
- (n) to borrow, whether on interest or not and if need be upon the security of any or all of the property movable or immovable of the Law School, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (o) to make gifts for any charitable purposes;
- (p) to do anything which is authorized or required by this Act to do; and
- (q) To do such things as may be incidental to the functions and the object of this Act.
- (r) Subject to the provisions of this Bill and without prejudice to section 59(4) of this Bill, the powers conferred on the Nigerian Law School by subsection (1) of this section shall be exercisable on behalf of the Nigerian Law School by the Council or in any other manner which may be authorized from time to time by the Council.

65. Appointment of the principal officers of the Law School

- (1) The Chairman of the Council shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Attorney General.
- (2) The Chairman shall hold office for a period of Four (4) years.

(3) Where for any reason the Chairman is absent at a meeting duly summoned; members of the Council present will appoint a non academic and non staff member to act for the Chairman for the purpose of that meeting.

66. The Director-General

(1) There shall be a Director General of the law School appointed by the President of the Federal Republic of Nigeria in accordance with the provisions of this section.

(2) The Director General shall be a Legal practitioner of not less than fifteen (15) years post call and cognate experience and must have attained the rank of a Director at the law school/Professor of law or a person not below the rank of Professor in an approved faculty of law of a university.

(3) Where a vacancy occurs in the post of the Director General, the Council shall—

(i) advertise the vacancy in a reputable journal or a widely read newspaper, specifying—

(A) the qualities and qualifications of the persons who may apply;

(B) the terms and conditions applicable to the position; and thereafter draw up a short list of suitable candidates for consideration;

(ii) Constitute a team comprising of—

(A) A member of the Council as Chairman;

(B) Two member of the Council of Legal Education;

(C) Two legal practitioners of not less than fifteen (15) years post call experience to be nominated by the Nigerian Bar Association;

(3) The team shall consider the candidates and persons on the short list drawn up under subparagraph (B) of paragraph (i) of subsection (3) of this section through an examination of their

curriculum vitae and interaction with them, and recommend to the Council suitable candidates for further consideration.

(4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (ii) of this paragraph and may indicate its order of preference stating the reasons therefore and forward the names to the President.

(5) The President may appoint as Director General any one of the candidates recommended to it in accordance with the provisions of subsection (6) of this section.

(6) The Director General shall hold office for a single term of five years only on such terms and conditions as may be specified by his letter of appointment.

(7) The Director General may be removed from office by the President of the Federal Republic of Nigeria on the recommendation of Council.

67. Deputy Director General

(1) There shall be appointed for each campus of the Nigerian Law School except the headquarters a Deputy Director General who shall also function as the head of the Campus.

(2) A Deputy Director General shall be appointed by the Council in accordance with the provisions of this section.

(3) The person to be appointed to the post of the Deputy Director General must be a legal practitioner of not less than fifteen years post call experience and must not be below the rank of a Director/ Professor in the Nigerian Law School or a Professor in an approved faculty of law in a Nigerian Universities.

(4) Where a vacancy occurs in the post of a Deputy Director General, the Council shall—

(i) advertise the vacancy in a reputable journal or a widely read newspaper, specifying—

(ii) the qualities and qualifications of the persons who may apply;

- (iii) the terms and conditions applicable to the position; and thereafter draw up a short list of suitable candidates for consideration.
 - (iv) The Council shall select for each vacant position one candidate from each list forwarded to it under subsection (4) of this section and appoint the candidate to the post of Deputy Director General.
- (5) A Deputy Director General shall—
- (i) head a campus of the Law School except the headquarters and run its day to day affairs under the direction of the Director General;
 - (ii) assist the Director General in the performance of his functions;
 - (iii) Unless otherwise decided by Council, the most senior Deputy Director General shall act in the place of the Director General when the post of the Director General is vacant or if the Director General is, for any reason, absent or unable to perform his functions as the Director General; and
 - (iv) perform such other functions as the Director General or the Council may, from time to time, assign.
- (6) A Deputy Director General shall hold office for a period of two years on such terms and conditions as may be specified in his letter of appointment; and may be re-appointed for a further period of two years and no more.

68. Office of the Secretary of the Council

- (1) There shall be a *Secretary of the Council*, who shall be the Chief Administrative Officer of the Nigerian Law School and shall be responsible to the Director General for the day-to-day administrative work of the Nigerian Law School.
- (2) The *Secretary of the Council* shall hold office for a period of five (5) years and on such terms as to the emolument of his office as may be specified.

69. Other Principal Officers of the Nigerian Law School

- (1) There shall be for the Nigerian Law School the following principal officers, in addition to the *Secretary of the Council*, that is—
 - (i) the Director of finance/Bursar; and
 - (ii) the Law Librarian,who shall be appointed by the Council on the recommendation of the selection board constituted under section 65 of this Act.
- (2) The Director Finance/Bursar shall be the Chief Financial Officer of the Law School and be responsible to the Director General for the day-to-day administration and control of the financial affairs of the law School.
- (3) The Law School Librarian shall be responsible to the Director General for the administration of the Law School Library and the co-ordination of library services in the Law School and its campuses.
- (4) The Director of Finance/Bursar and the Librarian shall each hold office for a period of five (5) years and on such terms as to the emoluments of their offices as may be specified.
- (5) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Director General.

70. Selection Board for other principal officers

- (1) There shall be for the Law School a selection board for the appointment of principal officers, the Council shall appoint the Chairman of this board who must be a non executive of—
 - (i) The Director General; and
 - (ii) Four members of the Council.

(2) The functions, procedure and other matters relating to the selection board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

71. Resignation

Any officer mentioned in the foregoing provisions of this section may resign his office—

- (i) in the case of the Director General, by notice to the President through the Chairman of Council who shall notify the Attorney General; and
- (ii) in any other case by notice to the Council.

72. Functions of the Chairman

The **Chairman** shall, in relation to the Law School, take precedence and preside at all the meetings of Council.

73. Functions of the Council and its Finance and General Purposes Committee

- (1) The Council shall be the governing body of the Law School and shall be charged with the general control and superintendence of the policy, finances and property of the Law School, including its public relations.
- (2) There shall be a committee of the Council, to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Law School and perform such other functions of the Council as the Council may from time to time delegate to it.
- (3) The Council shall ensure that proper accounts of the Law School are kept and that the accounts of the Law School are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation; and that an annual report is published

- by the Law School together with certified copies of such accounts as audited.
- (4) Subject to this Act, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
 - (5) Rules made under subsection (4) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
 - (6) There shall be paid to the members respectively of the Council, and of the Finance and General Purposes Committee and of any other committee set up by the Council allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the Council.
 - (7) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least Four (4) times in every year.
 - (8) If requested in writing by any five members of the Council, the Chairman shall within twenty-eight days after the receipt of such request call a meeting of the Council. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting.

74. Functions of the Director General

- (1) The Director General is the Chief Executive and also the chief academic officer of the law school
- (2) Subject to sections 63 and 65 f this Bill, the Director General shall have the general function, in addition to any other functions conferred on him by this Act or otherwise, of directing the activities of the Law School, and shall to the exclusion of

any other person or authority be the Chief Executive and Academic Officer of the Law School.

Transfer of property, etc., to the Law School

75. Transfer of property

- (1) All property held before the coming into effect of this Bill by the Nigerian Law School shall, by virtue of this subsection and without further assurance, vest in the Nigerian Law School and be held by it for the purposes of the Law School.

76. Removal of certain members of the Council

- (1) If it appears to the Council that a member of the Council (other than the Chairman, (the Director General) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect to the Attorney General and if the Attorney General, after making such enquiries (if any) as may be considered appropriate, approves the recommendation, may direct the removal of the person in question from office.
- (2) It shall be the duty of the Attorney General of the Federation to use his best endeavors to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

77. Removal and discipline of academic, administrative and professional staff

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic or administrative or professional staff of the Law School, other than the Director General, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall—

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representation in person on the matter to the Council; and
- (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements—
 - (i) for a committee of the Council to investigate the matter and to report to the Council; and
 - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the Investigating Committee with respect to the matter.
 - (iii) if the Council, after considering the report of the Investigating Committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

(2) The Director General may, in a case of misconduct by a member of the staff which in the opinion of the Director General is prejudicial to the interests of the Law School, suspend such member and any such suspension shall forthwith be reported to the Council.

(3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection “good cause” means—

- (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
- (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or

(d)conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(4)Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to—

(a)whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him);

(b)whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;

(c)whether to terminate the appointment of the person concerned, in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

(d)whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine,

and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(6) Nothing in the foregoing provisions of this section shall prevent the Council from making regulations for the discipline of other category of staff and workers of the Law School as may be prescribed.

78. Discipline of students

(1) Where it appears to the Director - General that any student at the Nigerian Law School has been guilty of misconduct, the Director-General may, without prejudice to any other disciplinary powers conferred on him by regulations, direct that-

(a) the student shall not, during such period as may be specified in the direction, participate in such activities of the Nigerian Law School, or make use of such facilities of the Nigerian Law School, as may be so specified;

(b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;

(c) the student be rusticated for such period as may be specified in the direction;

(d) the student be expelled from the Nigerian Law School.

(2) Where a direction is given under paragraph (c) or (d) of the foregoing subsection in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Council; and where such an appeal is brought the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

(4) Breach of the Code of Conducts for the students of the Nigerian Law School shall be treated as misconduct for the purposes of this section.

(5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Nigerian Law School otherwise than on the ground of misconduct.

79. Retiring age of academic and Nonacademic staff of the Law School

ACADEMIC STAFF

(1) Notwithstanding anything to the contrary in the pension's Act the compulsory retiring age for an academic staff shall be sixty-five (65) years.

(2) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff who has attained the rank of a Director (Academics) shall be 70 years.

(3) A law or rule requiring a person to retire from the public service after serving for 35 years, shall not apply to an academic staff of the Nigerian Law School.

NON ACADEMIC STAFF

(4) Notwithstanding anything to the contrary in the Pension's Act, the compulsory retirement age of a Non Academic staff shall be sixty-five (65) years.

80. Miscellaneous administrative provisions

(1) The seal of the Law School shall be such as may be determined by the Council and approved by the Chancellor; and the affixing of the seal shall be authenticated by any member of the Council and by the Director General, registrar or any other person authorized by statute.

(2) Any document purporting to be a document executed under the seal of the Law School shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Law

School by any person generally or specially authorized to do so by the Council.

- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by an vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Bill; but the power conferred by this Bill to make statutes or regulations shall include the power to revoke or vary any statute or any regulation by a subsequent statute or, as the case may be, by a subsequent regulation, and statute and regulations may make different provision in relation to different circumstances.
- (7) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post.

GENERAL

81. Offences

- (1) Subject to the provisions of this section, if any person other than a legal practitioner –
 - (a) practices, or holds himself out to practice, as a legal practitioner; or
 - (b) takes or uses the title of legal practitioner; or
 - (c) willfully takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that he is a legal practitioner or is qualified or recognized by law to act as a legal practitioner; or

(d) prepares for or in expectation of reward any instrument relating to immovable property, or relating to or with a view to the grant of probate or letters of administration, or relating to or with a view to proceedings in any court of record in Nigeria.

(e) he is guilty of an offence and liable, in the case of an offence under paragraph (a) of this subsection or a second or subsequent offence under paragraph (d) of this subsection, to a fine of an amount not exceeding N500, 000 or imprisonment for a term not exceeding two years or both such fine and imprisonment, and in any other case to a fine of an amount not exceeding N250,000.

- (2) in subsection (1) of this section **“instrument”**, in relation to immovable property, means any document which confers, transfers, charges or extinguishes any interest in the property or which purports so to do, and **“immovable property”** includes unextracted minerals.
- (3) Nothing in subsection (1) of this section shall prevent a person from being dealt with for contempt of court, but no proceedings for an offence under this section shall be brought or continued against a person in respect of any act if he has been dealt with for contempt of court in respect of that act.
- (4) Nothing in paragraph (d) of subsection (1) of this section shall be construed as making it an offence for any person to prepare an instrument –
 - (a) in the course of his activities as a pupil of a legal practitioner or of his employment as a clerk or servant of a legal practitioner.
 - (b) relating only to property in which he has or claims an interest (including an interest as a personal representative or as a person entitled to any part of the estate of a deceased person.);
 - (c) relating only to proceedings to which he is a party, or prepared with a view to proceedings to which he may be a party;

- (d) for the purpose only of recording information or expert opinion intended for use in, or with a view to, any proceedings;
 - (e) which is, or is intended to be, a will or other testamentary instrument; or
 - (f) of such a class or description as the Legal Profession Regulation Council of Nigeria may by order determine.
- (5) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) No proceedings for an offence under this section shall be begun after the expiration of the period of three years beginning with the date of the offence.
- (7) It is hereby declared that any agreement to transfer, either directly or indirectly, any money or thing in consideration of any act which constitutes an offence under this section is void; and any money or thing so transferred, or the value of the thing, shall be recoverable by the transferor from the transferee or from any other person by whom the offence was committed, whether or not any proceedings have been brought in respect of the offence or the time for bringing such proceedings has expired.

PART V

82. CALL TO THE BAR

- (1) Subject to the provisions of this section, a person shall be entitled to be called to the Bar if –

- (a) he is a citizen of Nigeria; and
 - (b) he produces a qualifying certificate to the Legal Profession Regulation Council of Nigeria.; and
 - (c) he satisfies the Body of Benchers of the Legal Profession Regulation Council that he is of good character; and
 - (d) he pays the call fees as may be prescribed from time to time by the Benchers.
- (2) Notwithstanding the provisions of subsection (1) of this section, a person may also be entitled to be called to the Bar, if –
- (a) he is a non-citizen of Nigeria;
 - (b) he produces a qualifying certificate to the Legal Profession Regulation Council of Nigeria; and
 - (c) he satisfies the Legal Profession Regulation Council of Nigeria that he is of good character.
- (3) The Legal Profession Regulation Council of Nigeria through its Body of Benchers may by regulations provide that the provisions of paragraph (b) of subsection (1) of this section shall not apply in such cases and on such conditions (if any) as may be specified by the regulations.
- (4) The Legal Profession Regulation Council of Nigeria through its Body of Benchers shall issue to every person called to the Bar pursuant to subsections (1) and (2) of this section, a certificate of call to the Bar which shall be in such forms the Body of Benchers may determine.
- (5) A person called to the Bar shall also qualify as a Solicitor of the Supreme Court of Nigeria by reason of the call to Bar; and shall be Barrister and Solicitor of the Supreme Court of Nigeria.

83. ENROLMENT

- 1) Subject to the provisions of this Bill, a person shall be entitled to practice as a Legal Practitioner if, and only if, his name is on the roll.
- 2) If-
 - (a) an application under this subsection is made to the Legal Profession Regulation Council of Nigeria by or on behalf of any person appearing to it to be entitled to practice as an advocate in any country where the legal system is similar to that of Nigeria; and
 - (b) the Legal Profession Regulation Council of Nigeria is of the opinion that it is expedient to permit that person to practice as a Legal Practitioner for the purposes of proceedings described in the application.
 - (c) the Legal Profession Regulation Council of Nigeria may by warrant under its seal authorize that person, on payment to the prescribed fee as may be specified in the warrant, to practice as a Legal Practitioner for the purposes of those proceedings and of any appeal brought in connection with those proceedings.
- 3) A person for the time being exercising the functions of any of the following offices, that is to say –
 - (a) the office of the Attorney-General, Solicitor-General or Director of Public Prosecutions of the Federation or of a State;
 - (b) such offices in the civil service of the Federation or of a State as the Attorney – General of the Federation or of the State, as the case may be, may by order specify,
 - shall be entitled to practice as a Legal Practitioner for the purposes of that office.

- 4) A certificate signed by, or by a person authorized either generally or specially in that behalf, any of the persons mentioned in paragraph (a) of subsection (3) of this section stating that a particular individual is exercising the functions of a particular office shall, without prejudice to any other means of proof, be conclusive proof for the purposes of that subsection that the individual is exercising the functions of that office; and any document purporting to be a certificate under this subsection shall be admitted in evidence and, until the contrary is proved, be deemed to be such a certificate.
- 5) It shall be an offence for a person who is not a Legal Practitioner to –
 - (a) willfully pretend to be a Legal Practitioner; or
 - (b) with the intention of implying falsely that that person is a Legal Practitioner to take or use any name, title or description.
- 6) A person who is guilty of an offence under subsection (5) is liable on summary conviction to imprisonment for a term not exceeding two (2) years or a fine of N100,000 or both.

84. KEEPING OF THE ROLL

- 1) The Legal Profession Regulation Council of Nigeria shall from the commencement of this Bill keep a list of all members of practitioners called to the Nigerian Bar, which shall be referred to as “the roll”.
- 2) The Roll may be kept either by means of computer or by recording in books for that purpose or both.
- 3) The Association shall make entry in the Roll available for inspection during office hours, without payment, by any person who applies to inspect it.
- 4) On production of a certificate of call to Bar issued by the Legal Profession Regulation Council of Nigeria through its Body of Benchers; or of an order for the restoration of the name of a

- person whose name has been struck of the roll, the Association shall enter the name of that person on the roll.
- 5) The Legal Profession Regulation Council of Nigeria shall appoint a person who shall be known as Registrar of the Roll to perform the function of recording the data of legal practitioners in line with the Rules of Content of the Roll Register to be developed by the Council.

85. PRACTICE LICENCE AND PRACTICING FEES

- (1) Subject to the regulations, from time to time made by the Legal Profession Regulation Council of Nigeria, a person whose name is on the roll shall be entitled to practice as a legal practitioner provided that before providing any form of legal service he obtains a practicing licence from the Council certifying that he is entitled to practice as a legal practitioner according to the provisions of this section.
- (2) The practicing license shall be issued or renewed at intervals prescribed under the regulations made from time to time by the Council.
- (3) The practicing license shall be issued or renewed on the Council being satisfied that the applicant has:
- (a) paid annual practicing fees stipulated in this Bill for the year the application is made; and
 - (b) satisfied the Council that he is a person of good character; and
 - (c) in case of renewal, has obtained the required number of credits under a Mandatory Continuing Professional Development programme administered by the Council in conjunction with the Association.
- (4) The Legal Profession Regulation Council of Nigeria shall –
- (a) issue to every legal practitioner by whom a practicing fee is paid in respect of any year a receipt for the fee in the prescribed form; and
 - (b) as soon as reasonably practicable after the end of March in each year and thereafter from time to time during the

year as he considers appropriate cause to be printed in the prescribed form and put on sale a list or supplementary list of the legal practitioners by whom practicing fees have been paid in respect of that year; and

- (c) retain a sum equal to 50 percent of the aggregate amount of the practicing fees received in pursuance of this section during the year, and 50 percent shall be paid over to the Association.

and a receipt purporting to be issued and list purporting to be printed in pursuance of this subsection in respect of any year shall be evidence that the person named in the receipt or, as the case may be, that any person named in the list has paid to the Legal Profession Regulation Council of Nigeria the practicing fee in respect of that year.

86. PUPILAGE

- 1) From the date of commencement of this Act, every person called to the Nigerian Bar shall undergo a mandatory pupilage for two (2) years in the office of an experienced legal practitioner in active practice or a law firm with the requisite facilities to give such training as required during the pupilage period.
- 2) .the Legal Profession Regulation Council of Nigeria shall make rules and set the criteria for the conduct of pupilage for new wigs.

87. ESTABLISHMENT OF THE LEGAL PRACTITIONERS FIDELITY FUND

- (1) There shall be established a Fund known as the Legal Practitioners Fidelity Fund to be administered by the Legal Profession Regulation Council of Nigeria for the purpose of compensating persons who suffer pecuniary loss due to defaults by legal practitioner or a law firm.

(2) Every Legal Practitioner must in addition to paying their practicing fees make contribution to the Fund.

(3) The Legal Profession Regulation Council of Nigeria in shall set the amount of contribution to be made to the Fund by each legal practitioner.

(4) The Legal Profession Regulation Council of Nigeria shall issue certificate to every legal practitioner who contributes to the fund yearly as certifying that the legal practitioner is an up to date contributor to the Fund.

(5) Contributions made to the Fund shall be invested Legal Profession Regulation Council of Nigeria as may be determined by the Council pending the application of same for the purpose for which it was set up.

(6) The Fund shall be applied for the purpose of reimbursing persons who suffer pecuniary loss as a result of theft committed by a legal practitioner or his employee, of any money or other property entrusted by or on behalf of such persons to the legal practitioner or to his employee in the course of the legal practitioners act, business or practice or while he is acting as executor or administrator in an insolvent estate or in any other similar capacity.

(7) The Legal Profession Regulation Council of Nigeria shall determine the maximum amount that can be paid to an individual claimant based on any regulations to be issued for the purpose of this Fund.

88. MANDATORY CONTINUING LEGAL EDUCATION

(1) There shall be established under this Bill, by the Legal Profession Regulation Council of Nigeria in conjunction with the Nigerian Bar Association an Institute of Continuing Legal

Education (referred to as ("the Institute")) which shall be responsible for the following:

- (a) To make rules and regulations for Mandatory Continuing Professional Development (referred to as MCPD), including fees sufficient to ensure that the MCPD program is financially self supporting; to implement MCPD rules and regulations adopted by the Council in conjunction with the Association; and to adopt forms necessary to ensure lawyers' compliance with the rules and regulations.
- (b) To meet at least twice a year, or more frequently as needed, either in person, by conference telephone communications, or by electronic means. Five members of the Board shall constitute a quorum for the transaction of business. A majority of the quorum present shall be required for any official action taken by the Board.
- (c) To accredit MCPD courses and activities, and to determine the number of hours to be awarded for attending such courses or participating in such activities.
- (d) To review applications for accreditation of those courses, activities or portions of either that are offered to fulfill the professional responsibility requirement for conformity with the accreditation standards and hours enumerated in these rules exclusive of review as to substantive content.
- (e) To submit an annual report to the Legal Profession Regulation Council of Nigeria evaluating the effectiveness and quality of the MCPD courses, and presenting the Board's recommendations, if any, for changes in the Rules or their implementation, a financial report for the previous' fiscal year, and its recommendations for the new fiscal year. There shall be an independent annual audit of the MCLE fund as directed by the Council, the expenses of which shall be paid

out of the fund. The audit shall be submitted as part of the annual report to the Association.

(f) To take all action reasonably necessary to implement, administer and enforce the rules and the decisions of the Governing Board of the Institute.

(2) The Institute of Continuing Legal Education shall be managed by a Governing Board.

(3) The Governing Board shall consist of:

- (a) the chairman of the Legal Profession Regulation Council of Nigeria who shall be the chairman of the Board;
- (b) The President of the Association;
- (c) The General Secretary of the Association;
- (d) The Director General of the Institute.
- (e) Four members who are legal practitioners of not less than fifteen years post qualification experience in active legal practice or legal education training and who are active members of the Association elected from the various sections of the Association.

(4) Three members, and the Chairman, shall initially be appointed to a three-year term. Three members shall be appointed to an initial two-year term. On the expiration of each initial appointment all subsequent appointments or re-appointments shall be for a further term of four years.

(5) The Governing Board members shall be limited to serving two consecutive terms.

(7) The Governing Board members shall serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in performing their official duties, including reasonable travel costs to and from meetings of the Governing Board.

(8) The Governing Board shall appoint its Secretary to carry out its administrative duties and functions.

(9) The quorum for the meeting of the Governing Board shall be six members.

(10) The Governing Board shall appoint, with the approval of the Legal Profession Regulation Council of Nigeria, a Director General of the Institute for Continuing Legal Education ("Director General") to serve as the principal executive officer of the MCPD program. The Director, with the Board's authorization, shall hire sufficient staff to administer the program. The Board will delegate to the Director General and staff authority to conduct the business of the Governing Board within the scope of the provision of this Act, subject to review by the Governing Board.

(11) The Director General and staff shall be authorized to acquire or rent physical space, computer hardware and software systems and other items and services necessary to the administration of the MCPD program. The terms of the appointment of the Director General shall be set out in a written contract,

89. PRIVILEGE OF LAW OFFICERS

- (1) Notwithstanding any other provision of this Bill, all courts of law in Nigeria before which legal practitioners are entitled to appear shall accord to every law officer specified in this section, the following rights and privileges, that is to say –
- (a) the exclusive right to sit in the inner bar or, where no facilities exist for an inner bar, on the front row of seats available for legal practitioners; and
 - (b) the right to mention any motion in which he is appearing or any other cause or matter which is on the cause list.

- (2) The law officers to whom this section applies are the Attorney-General of the Federation, the Attorney-General of any State in the Federation and the Solicitor-General of the Federation.
- (3) The rights and privileges conferred on the law officers by subsection (1) of this section shall also be accorded to the Senior Advocates of Nigeria.

90. Right of audience and precedence

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

(2) No legal practitioner shall be accorded the right of audience in any court in Nigeria in any year unless he has paid to the Legal Profession Regulation Council of Nigeria in respect of that year such practicing fee as may be prescribed from time to time in accordance with the provisions of this Act or any instrument of the Council.

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

91. Prohibition of legal practice by Foreign Lawyer or Law

Firms -

- (1) It shall be unlawful for any Foreign Lawyer
 - (a) To prepare or sign writs, originating processes, summons, motions, briefs, pleadings, petitions, applications or any other court documents in any Court,

Tribunal, Panel or Board of Enquiry, Administrative Board; or

- (b) To use the title or name; legal practitioner, attorney or legal adviser; or
- (c) To in any way act as a legal practitioner or hold themselves out as such; or
- (d) To prepare and/or sign, or file any contract, memorandum deed, will, lease, assignment, power of attorney, mortgage, title deed, notice, warrant, bond, legal opinion or any other legal document whatsoever.
- (e) It shall be unlawful for foreign law firms to prepare or sign any contract, memorandum deed, will, lease assignment, power of attorney, mortgage, title deeds, notice, warrant, bond, legal opinion or any other legal document governed in Nigeria. Any person or a foreign law firm who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of not less than N500,000 or imprisonment for a term not exceeding two years or both upon conviction.

(2) “Foreign Lawyer” for purpose of subsection (1) of this section includes Law Firms and Individual Lawyers.

(3) For the purpose of this Bill, the following persons shall be deemed not to be providing legal services:

- (a) A person who is acting in the normal course of carrying on a profession or occupation governed by another Act that regulates specifically the activities of persons engaged in that profession;
- (b) An employee or officer of a corporation, who drafts, completes or revises a document for the use of the corporation or to which the corporation is a party;
- (c) An individual who is acting on his own behalf, whether in relation to a document or otherwise;
- (d) An employee or a volunteer representative of a trade union who is acting on behalf of the union or a member

of the union in connection with a grievance or a labour negotiation.

92. Every Foreign Lawyer who

(a) gives legal advice in respect of the Laws of the Federal Republic of Nigeria in contravention of the regulations of the Legal Profession Regulation Council of Nigeria on the practice of law in Nigeria by Foreign lawyers;

(b) acquires, collaborates or merges with a Nigerian Law Firm for the purpose of giving legal advice in respect of the Laws of the Federal Republic of Nigeria is guilty of an offence and on conviction, liable to a fine of:

- i. Not more than USD 25,000 for a first offence; and
- ii. Not more than USD 50,000 for each subsequent offence.

93. Liability for negligence

- (1) Subject to the provisions of this section, a person shall not be immune from liability for damage attributable to his negligence while acting in his capacity as a legal practitioner, and any provision purporting to exclude or limit that liability in any contract shall be void.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the exclusion or limitation of the liability aforesaid in any case where a legal practitioner gives his services without reward either by way of fees, disbursements or otherwise.
- (3) Nothing in subsection (1) of this section shall affect the application to a legal practitioner of the rule of law exempting legal practitioners from the liability aforesaid in so far as that rule applies to the conduct of proceedings in the face of any court, tribunal or other body.

94. Penalties for unprofessional conduct, etc.

- (1) Where-

- (a) a person who is a member of the legal profession is judged by the Professional Conduct Committee of the Legal Profession Regulation Council of Nigeria to be guilty of infamous conduct in any professional respect; or
- (b) a person who is a member of the legal profession is convicted, by any court in Nigeria having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which is in the opinion of the Professional Conduct Committee incompatible with the status of a legal practitioner; or
- (c) the Professional Conduct Committee is satisfied that the name of any person has been fraudulently enrolled;

the Professional Conduct Committee, may, if it thinks fit, give a direction –

- (i) ordering the Registrar of the Roll to strike that person's name off the roll; or
 - (ii) suspending that person from practice by ordering him not to engage in practice as a legal practitioner for such period as may be specified in the direction; or
 - (iii) admonishing that person; and
 - (iv) any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.
- (2) Where a person whose name is on the roll is judged by the Professional Conduct Committee to be guilty of misconduct not amounting to infamous conduct which, in the opinion of the Professional Conduct Committee, is incompatible with the status of a legal practitioner, the Professional Conduct Committee may, if it thinks fit, give such a direction as is authorized by paragraph (c) (ii) or (iii) of subsection (1) of this section; and any such direction may, where appropriate, include provision requiring the refund of

moneys paid or the handing over of documents or any other thing, as the circumstances of the case may require.

- (3) The Professional Conduct Committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsections (1) and (2) of this section until a subsequent meeting of the Committee; but no person shall be a member of the Professional Conduct Committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Committee when the decision was deferred.
- (4) It shall be the duty of the Legal Profession Regulation Council of Nigeria to make rules from time to time on professional conduct in the legal profession and cause such rules to be published in the Gazette and distributed to all the branches of the Association.
- (5) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the Professional Conduct Committee gives a direction under subsection (1) or subsection (2) of this section, the Professional Conduct Committee shall cause notice of the direction to be served on the person to whom it relates and submit to the Legal Profession Regulation Council of Nigeria a report on its findings which resulted in the issuance of notice.
- (7) The person to whom such a direction relates may, at any time within 30 days from the date of service on him of notice of the direction, appeal against the direction to the Supreme Court; and the Professional Conduct Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of

proceedings before the Professional Conduct Committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

- (8) A direction of the Professional Conduct Committee under subsection (1) or (2) of this section shall take effect –
- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time.
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.

and shall not take effect except in accordance with the foregoing provisions of this subsection.

- (9) Where a direction is given under subsection (1) or (2) of this section for the refund of moneys paid or the handing over of documents or any other thing and within 30 days of the date of the direction (or where an appeal is brought, on the dismissal of the appeal) the legal practitioner fails to comply with the direction, the Professional Conduct Committee may deal with the case as one involving misconduct by the legal practitioner in his professional capacity.

95. Disciplinary jurisdiction of the Supreme Court

- (1) Where it appears to the Supreme Court that a person whose name is on the roll has been guilty of infamous conduct in any professional respect with regard to any matter of which the court or any other court of record in Nigeria is or has been seized, the Supreme Court may if it thinks fit, after hearing any representations made and evidence adduced by or on behalf of that person and such other persons as the court considers appropriate, give such a direction as is mentioned in subsection (1) of section 90, and the direction

shall take effect forthwith; and except in the case of an admonition the court shall cause notice of the direction to be published in the Federal Gazette.

- (2) Where it appears to the Chief Justice of Nigeria that a legal practitioner should be suspended from practice, either with a view to the institution against him of proceedings under this Bill before the Professional Conduct Committee or while any such proceedings are pending, the Chief Justice of Nigeria may if he thinks fit, after affording the practitioner in question an opportunity of making representations in the matter, give such direction as is authorized by paragraph (ii) of subsection (1) of section 90; and in deciding whether to give such a direction in consequence of the conviction of a legal practitioner, the Chief Justice of Nigeria shall be entitled to disregard the provisions of subsection (5) of that section 90.

96. Restoration of names to the roll, etc.

- (1) Where either before or after the commencement of this Act the name of any person has been struck off the roll or a person has been or is deemed to have been suspended from practice, he may, subject to the provisions of this Bill, make an application to the Legal Profession Regulation Council of Nigeria through the Registrar of the Rolls for the restoration of his name to the roll or the cancellation of the suspension; attaching the order of restoration of the name on the roll to the said application.

REMUNERATION OF PRACTITIONERS

97. Scales of charges

(1) The Remuneration and Welfare Committee of the Legal Profession Regulation Council of Nigeria shall have power to make orders regulating generally the charges of legal practitioners and, without prejudice to the generality of that power, any such order may include provision as to all or any of the following matters, that is to say-

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

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

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

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

(2) The Remuneration and Welfare Committee shall not make an order under this section unless they have served a copy of the proposed order on the President of the Association and have considered any representations in writing made to the Committee by the Association within the period of three months beginning with the date of service of the copy; and if

the President of the Association within twenty days of the day on which an order under this section comes into force, signifies that the order be annulled, it shall, except in relation to anything previously done by virtue of the order, cease to have effect on the day next following the date of the resolution and be deemed never to have had effect.

- (3) Until the first order made in pursuance of this section comes into force, nothing in this section shall be construed as affecting the law in force in any part of Nigeria with respect to the remuneration of legal practitioners.
- (4) The Remuneration and Welfare Committee shall meet at least twice a year.

98. Recovery of charges, etc.

- (1) Subject to the provisions of this Bill, a legal practitioner shall be entitled to recover his charges by action in any court of competent jurisdiction.
- (2) Subject as aforesaid, a legal practitioner shall not be entitled to begin an action to recover his charges unless –
 - (a) a bill for the charges containing particulars of the principal items included in the bill and signed by him, or in the case of a firm by one of the partners or in the name of the firm, has been served on the

client personally or left for him at his last address as known to the legal practitioner or sent by post addressed to the client at that address; and

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

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

- (a) that he has delivered a bill of charges to a client; and
- (b) that on the face of it the charges appear to be proper in the circumstances; and
- (c) that there are circumstances indicating that the client is about to do some act which would probably prevent or delay the payment to the legal practitioner of the charges.

then, notwithstanding that the period mentioned in paragraph (b) of subsection (2) of this section has not expired, the court may direct that the legal practitioner be authorized to bring and prosecute an action to recover the charges unless before judgment in the action the client gives such security for the payment of the charges as may be specified in the direction.

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

–

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

- (b) make an order for the delivery up of, or otherwise in relation to, any documents in the control of the legal practitioner which belong to or were received by him from or on behalf of the client,

and without prejudice to the generality of the powers of the court to punish for contempt or to the provisions of this Act relating to the discipline of legal practitioners, the court may punish for contempt any legal practitioner who refuses or fails to comply with an order under this subsection.

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

99. Application for taxation of charges

- (1)Except where a direction providing for the giving of security is given under subsection (3) of section 94 of this Bill and security is not given in accordance with the direction, the court shall, on an application made by a client within the period of one month from the date on which a bill of charges was delivered to him, order that the bill shall be taxed and that no action to recover the charges shall be begun until the taxation is completed.

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

(a) order that the bill shall be taxed;

(b) order that until the taxation is completed, no action to recover the charges mentioned in the bill shall be begun and any such action already begun shall be stayed.

and an order under the subsection may be made on such terms (other than terms as to the costs of the taxation) as the court may determine.

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

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

(b) except in a case where the court determines that there are special reasons for making such an order, if twelve months have expired since the date of the delivery of the bill or if judgment has been given in an action to recover the charges in question.

and an order made by virtue of paragraph (b) of this subsection may contain terms as to the costs of the taxation.

100. Taxation

(1) The taxation of a bill of charges shall be in accordance with the provisions of any order in force under section

95 of this Bill; and where no such order is in force or any item failing to be taxed is not dealt with by the order, the charges to be allowed on taxation of the item shall not exceed such as are reasonable having regard to the skill, labour and responsibility involved and to all the circumstances of the case.

- (2) If, at the time and place appointed in pursuance of rules of court for the taxation of a bill, one of the parties appears and any other party does not, the taxing officer shall proceed to tax the bill unless for special reasons he determines to adjourn or further adjourn the taxation so as to afford an absent party an opportunity to be present; and where he does so determine, he may also determine by whom any costs of the adjournment or further adjournment shall be payable.
- (3) Where on the taxation of a bill it appears to the taxing officer that there are circumstances of the case which make it appropriate to refer the taxation to the court, he shall so refer it; and the court may either –
 - (a) proceed itself to tax the bill and notify to the taxing officer the amount to be declared and stated in his certificate in pursuance of the next following subsection; or
 - (b) refer the taxation back to the taxing officer with its direction in the matter.
- (4) On the completion of the taxation of a bill, the taxing officer shall forthwith declare the amount due in respect of the bill and shall file in the records of the court a

certificate signed by him stating that amount; and any party to the taxation shall be entitled on demand to have issued to him free of charge an office copy of the certificate.

- (5) If any party to the taxation is dissatisfied with a determination under subsection (2) of this section or the amount stated in a certificate filed in pursuance of this section (other than a certificate stating the amount notified by the court under subsection (3) of this section), he may, within 21 days from the date of the determination or filing, appeal to the court.
- (6) The certificate of the taxing officer in respect of a bill of charges, or where the certificate is varied on appeal, the certificate as so varied, shall be conclusive as to the amount of the charges payable in respect of the bill, but nothing in this subsection shall be construed as relieving a legal practitioner of any obligation to prove that a client is liable to pay a bill of charges, or as precluding a client from disproving that he is so liable.
- (7) Subject to the provisions of any order made by virtue of subsection (3) of section 94 of this Bill, if the amount stated in a certificate under this section relating to a bill of costs, or in such a certificate as varied on appeal, is less than the amount of the bill before taxation and the difference is equal to one sixth or more of the amount of the bill before taxation, the costs of the taxation shall be payable by the legal practitioner, and in any other case those costs shall be payable by the client.

101. Supplementary provisions as to remuneration

- (1) Without prejudice to the provisions this Bill, the following expressions have the following meanings unless the context otherwise requires, that is to say-

“**bill of charges**” means such a bill as is mentioned in paragraph (a) of subsection (2) of section 94 of this Bill.

“**charges**” means any charges (whether by way of fees, disbursements, expenses or otherwise) in respect of anything done by a legal practitioner in his capacity as a legal practitioner;

“**client**” means the person or any of the persons alleged to be liable to pay the charges of a legal practitioner;

“**the court**” means the High Court of the State in which the legal practitioner in question usually carries on his practice or usually resides or in which the client in question usually resides or has his principal place of business or, in the case of a legal practitioner authorized to practice by warrant, the

High Court of the State in which the proceedings specified in the application for the warrant were begun;

“taxation” means taxation by the proper officer of the court, and cognate expressions shall be construed accordingly.

- (2) For the purposes of the remuneration provisions, a bill of charges is delivered if it is served on or left for or sent to the client as mentioned in subsection (3) (a) of section 94 of this Bill and, in relation to a bill of charges, **“deliver”** and cognate expressions shall be construed accordingly.
- (3) The remuneration provisions shall apply to a firm consisting of legal practitioners in partnership as they apply to a legal practitioner.
- (4) For the purposes of the remuneration provisions, a person shall be deemed to be a legal practitioner in relation to any charges if he was a legal practitioner when he performed the services to which the charges relate.

SAFEGUARDS FOR CLIENTS, ETC.

102. Accounts and records for clients’ moneys

- (1) Subject to subsection (4) of this section, the Legal Profession Regulation Council of Nigeria may, from time to time, as the Council considers expedient, make rules –
 - (a) as to the opening and keeping by legal practitioners of accounts at banks for clients’ moneys; and
 - (b) as to the keeping by legal practitioners of records containing particulars and information as to moneys

- received, held or paid by them for or on account of their clients; and
- (c) as to the opening and keeping by a legal practitioner who is the sole trustee, or who is a co-trustee only with one or more of his partners, clerks or servants, of an account at a bank for moneys of any trust of which he is the sole trustee or such a co-trustee as aforesaid; and
 - (d) as to the keeping by such a legal practitioner as is mentioned in paragraph (c) of this subsection, of records containing particulars and information as to moneys received, held or paid by him for or on account of any such trust as is so mentioned; and
 - (e) Empowering the Council to take such action as it thinks necessary to enable it to ascertain whether the rules are being complied with.
- (2) Rules under this section shall not require the keeping of accounts of records-
- (a) by a legal practitioner in respect of moneys received, held or paid by him as a member of the public service of the Federation or a State; or
 - (b) in such other circumstances as may be specified by the rules.
- (3) For the purposes of this section, “**trustee**” includes personal representatives, and in relation to a personal representative, any reference to a trust shall be construed as a reference to the deceased’s estate.

103. Special provisions as to client accounts with banks

- (1) A bank at which a legal practitioner keeps an account for clients’ moneys shall not, in respect of any liability of the legal practitioner to the bank which does not arise in connection with that account, have or obtain any recourse or right, whether by way of set-off, counter-claim, charge or

otherwise, against moneys standing to the credit of that account.

- (2) A bank shall not, in connection with any transaction in respect of an account of a legal practitioner kept for clients' moneys with that or with any other bank (other than an account kept by him as trustee for a specified beneficiary) incur any liability, or be under any obligation to make any inquiry, or be deemed to have any knowledge of any right of any person to any money paid or credited to the account, which it would not incur to be deemed to have in the case of an account kept by a person entitled absolutely to all the money paid or credited to the account.

104. Interpretation

In this Bill, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say –

“Association” means the Nigerian Bar Association;

“Attorney-General” means the Attorney-General of the Federation.

“Council” in Part II means the Legal Profession Regulation Council of Nigeria.

“Council” in Part III means the Council of Legal Education

“Benchers” means the Body of Benchers established under this Bill.

“Executive Secretary” means the person for the time being holding the office as Executive Secretary of the Council of Legal Education;

“President of the Association” means the person for the time being holding office as President of the Association in accordance with the Constitution of the Association.

“Chief Justice” means the Chief Justice of Nigeria.

“Laws of the Federal Republic of Nigeria” means the laws of the Federal Republic of Nigeria in force as at the date of the commencement of this Bill;

“legal practitioner” means person entitled in accordance with the provisions of this Act to practice as a barrister or as a barrister and solicitor, either generally or for the purposes of any particular office or proceedings.

“qualifying certificate” means certificate issued by the Council of Legal Education

“the Registrar” means the Registrar of the Rolls.

“the roll” means the list of legal practitioners called to the Bar as barristers and solicitors of the Supreme Court of Nigeria and kept by the Registrar of the Rolls.

“warrant” means a warrant issued by the Legal Profession Regulation Council of Nigeria.

“young lawyer” means a legal practitioner not more than seven years post call experience or a legal practitioner not more than 35 years of age.

“lay person” means person who is not a legal practitioner and not a member of the legal profession.

“Fund” means the Fund established under this Act;

“Legal Education Provider” means a post-secondary school institution that is licensed or accredited to offer legal education or training for the award of a certificate, diploma or degree including those licensed by the National Universities Commission; Legal education providers include any institution licensed and accredited by the Council of Legal Education established under this Bill.

“President” means the President of the Federal Republic of Nigeria.

REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS

105. Repeal

The Legal Practitioners Act Cap L11 LFN 2004 and all amendments thereto; and the Legal Education (Consolidation etc.) Act Cap. L10 LFN 2004 are hereby repealed.

106. Transitional provision

- (1) An institution that was before the date of commencement of this Bill, lawfully providing legal training for which a licence is required under this Bill shall be deemed to hold the same status under this Bill.
- (2) Notwithstanding the repeal of the Legal Practitioners Act and the Legal Education (Consolidation, etc.) Act —
 - (a) the repeal shall not affect any instrument made or any other thing done under the former Acts and every such instrument or thing shall continue in force and shall, so far as it would have been made or done under the repealed Acts, have effect as if made or done under the corresponding provision of this Bill;
 - (b) the repeal shall not adversely affect the terms and conditions on and subject to which any person held office or served immediately before the commencement of this Bill.

107. Savings and transitional

- (1) Subject to subsection (2) of this section, upon the coming into operation of this Bill—
 - (a) every agreement and every deed, bond or other instrument to which the former Council of Legal Education was a party or which affected the former Council of Legal Education, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Council of Legal Education were a party thereto or affected thereby instead of the former Council of Legal Education, and every reference therein to the former Council of Legal Education substituted in respect of anything to be done on or after such date of coming into operation to refer to the Council of Legal Education;
 - (b) any proceedings pending immediately before such date of coming into operation to which the former Council of Legal Education was a

party shall be continued as if the Council of Legal Education was a party thereto in lieu of the former Council of Legal Education;

(c) all officers of the former Council of Legal Education shall become the corresponding officers of the Council of Legal Education and, subject to the provisions of any rules made under this Bill, shall continue in office for the period for which they were appointed or elected as officers of the former Council of Legal Education.

108. Short Title

This Bill may be cited as the Legal Profession Regulation Bill.

**SCHEDULE
FIRST SCHEDULE**

(Section 90(3))

Table of Precedence

1. The Attorney-General of the Federation.
2. The Attorney-General of a State but only in the High Court of that State or in any court or tribunal established by or under a law enacted by the House of Assembly of that State.
3. Senior Advocates of Nigeria in order of seniority.
4. Persons authorized to practice as legal practitioners under this Bill.
5. Persons whose names are on the roll in order of seniority of enrollment.
6. Persons authorized to Practice by warrant issued by the Legal Profession Regulation Council of Nigeria.

SECOND SCHEDULE

(Section 12)

Supplementary provisions as to the Professional Conduct Committee

The Professional Conduct Committee

1. The quorum of the Professional Conduct Committee shall be a constituted 5-man panel.

2. (1) The Legal Profession Regulation Council of Nigeria shall make rules for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Professional Conduct Committee.
- (2) The rules shall in particular provide –
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person against whom the proceedings are brought;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Professional Conduct Committee.
 - (d) for enabling any party to the proceedings to be represented by a legal Practitioner;
 - (e) for costs of proceedings before the Professional Conduct Committee.
 - (f) for requiring, in case where it is alleged that the person against whom the proceedings are brought is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing in the Federal Gazette notice or any newspaper of any direction of the Professional Conduct

Committee which has taken effect providing that a person's name shall be struck off the roll or that a person shall be suspended from Practice.

3. The Secretariat of the Legal Profession Regulation Council of Nigeria shall provide secretariat services and assistance or otherwise, as the Professional Conduct Committee may reasonably require for the purpose of its functions.

Miscellaneous

4. Subject to the provisions of this Bill a person appointed to be a member of the Professional Conduct Committee shall, unless he previously resigns, hold office for a single term of three years, as may be specified in his instrument of appointment.
5. The Professional Conduct Committee may act notwithstanding any vacancy in its membership and no proceedings of the Professional Conduct Committee shall be invalidated by any irregularity in the appointment of a member thereof or by reason of the fact that any person who was not entitled to do so took part in the proceedings.
6. The Professional Conduct Committee may sit in two or more divisions.
7. Any document authorized or required by this Bill to be served on the Professional Conduct Committee shall be served on the Secretariat of the Legal Profession Regulation Council of Nigeria.

CHAPTER L11
LEGAL PROFESSION REGULATION BILL
SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Professional Conduct Committee Rules.
 2. Legal Practitioners (Remuneration for Legal Documentation and other Land Matters) Order.
 3. Entitlement to Practice as Barristers and Solicitors (Federal Officers) Order.
 4. Entitlement to Practice as Barristers and Solicitors (National Assembly Office) (Legal Practitioners)
 5. Entitlement to Practice as Barristers and Solicitors (Federal Housing Authority) (Legal Practitioners)
 6. Entitlement to Practice as Barristers and Solicitors (Federal Road Safety Commission) (Legal Officers) Order.
 7. Legal Practitioners (Bar Practicing Fees) Notice.
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PROFESSIONAL CONDUCT COMMITTEE RULES

ARRANGEMENT OF RULES

RULE

1. Short title.
2. Interpretation.
3. Submission of complaint.

4. Reference of case to tribunal by panel.
5. Parties to proceedings.
6. Appointment of legal practitioner to present case.
7. (1) Fixing of hearing day and service of notice thereof by the secretary.
(2) Notice of hearing.
(3) Form of notice.
8. Hearing in absence of parties.
9. Re-hearing of case heard in absence of parties.
10. Hearing of witnesses and reception of document.
11. Members of Professional Conduct Committee not to represent legal practitioner.
12. Penalty for giving false evidence.
13. Holding of proceedings in private and pronouncement of findings in public.
14. Adjournment of hearing.
15. Findings of Professional Conduct Committee if legal practitioner is found not guilty.
16. Findings and direction of Professional Conduct Committee if legal practitioner is found guilty.
17. Findings, etc., in cases not amounting to infamous conduct.
18. Costs.
19. Publication of findings and direction of Professional Conduct Committee.
20. Record of proceedings.

21. Dispensing with provisions of rules.
22. Extension of time.
23. Exhibits and books to be kept by secretary.

SCHEDULE

PROFESSIONAL CONDUCT COMMITTEE RULES

(1st December, 2017) Commencement

1. Short title

These Rules may be cited as the Professional Conduct Committee Rules.

2. Interpretation

In these Rules –

“Chief Justice” means the Chief Justice of Nigeria;

“Complainant” means –

- (a) where an allegation has been referred to the Nigerian Bar Association for investigation at the instance of a private person, that person; and
- (b) in any other case the Attorney – General of the Federation;

“secretary” means the Chief Executive Officer or his alternate to the Legal Profession Regulation Council of Nigeria.

3. Submission of complaint

(1) A complaint by any person against a legal practitioner shall be forwarded in writing by the complainant or the person aggrieved to the Legal Profession Regulation Council of Nigeria

(2) A complaint received by the Legal Profession Regulation Council of Nigeria shall be forwarded to the Professional Conduct Committee which shall cause the complaint to be investigated.

4. Reference of case to 5-man panel

In any case where the Professional Conduct Committee is of the opinion that a prima facie case is shown against a legal practitioner, the Nigerian Bar Association shall forward a report of such a case to the 5-man panel constituted to hear and determine the case, together with all the documents considered by the Nigerian Bar Association and a copy of the charges on which a prima facie case is made in the opinion of the Nigerian Bar Association against the legal practitioner.

5. Parties to proceedings

(1) In addition to the person against whom proceedings are brought, the complainant shall also be a party to the proceedings as well as anybody else considered by the Professional Conduct Committee to have an interest in the proceedings.

(2) Every party to the proceedings shall be entitled to be heard by the Professional Conduct Committee either personally or through counsel of his choice.

6. Appointment of legal practitioner to present case

The Nigeria Bar Association may appoint a legal practitioner to present the case before the Professional Conduct Committee.

7. Fixing of hearing day and service of notice thereof by the secretary

(1) On the direction of the chairman of the Professional Conduct Committee the secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings.

Notice of hearing

(2) The notice of hearing may be served either personally or by registered post address to the residence of each party to the proceedings, or in the case of the legal practitioner against whom charges have been brought, by registered post addressed to his principal place of business or to the address given by him when he last paid a practicing fee.

Form of notice

(3) The notice shall be in the form set out in the Schedule hereto and there shall be at least thirty days between the service of any such notice and the day fixed therein for the hearing.

8. Hearing in absence of parties

If any party fails to appear at the hearing, the Professional Conduct Committee may, upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

9. Re-hearing of case heard in absence of parties

Any party who has failed to appear at the hearing may within one calendar month from the pronouncement of the findings and direction of the Professional Conduct Committee and upon giving notice to every party and to the secretary, apply to the Professional Conduct Committee for re-hearing and the Professional Conduct Committee, if satisfied that it is just that the case should be re-heard, may grant the application upon such terms as to costs or otherwise as it deems fit.

10. Hearing of witnesses and reception of document

- (1) The 5-man Panel may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist it in coming to a conclusion as to the truth or otherwise of the allegations of misconduct referred to it by the Professional Conduct Committee.

- (2) In all proceedings before the Professional Conduct Committee, the provisions of the Evidence Act shall apply, as they do in civil proceedings.

11. Members of Professional Conduct Committee not to represent legal practitioner

No member of the Professional Conduct Committee (who is not sitting in the division), may represent a legal practitioner against whom proceedings have been brought.

12. Penalty for giving false evidence

If any person willfully gives false evidence on oath before the Professional Conduct Committee during the course of any proceedings, or willfully makes a false statement in any affidavit sworn for the purposes of any such proceedings, the Professional Conduct Committee shall refer the matter to the appropriate Director of Public Prosecutions for necessary action.

13. Holding of proceedings in private and pronouncement of findings in public

The proceedings of the Professional Conduct Committee shall be held in private, but its findings and directions shall be pronounced in public.

14. Adjournment of hearing

The Professional Conduct Committee may, of its own motion, or upon the application of any party, adjourn the hearing upon such terms as to costs, or otherwise, as the Professional Conduct Committee shall think fit.

15. Findings of Professional Conduct Committee if legal practitioner is found not guilty

If, after the hearing, the Professional Conduct Committee adjudges that the allegations of infamous conduct in a professional respect

have not been proved, the Professional Conduct Committee shall record a finding that the legal practitioner is not guilty of such conduct in respect of the matters to which the allegation relates.

16. Findings and direction of Professional Conduct Committee if legal practitioner is found guilty.

If, after the hearing, the Professional Conduct Committee finds that the allegation of infamous conduct in a professional respect, has been proved, the Professional Conduct Committee may, if it think fit, give a direction –

- (a) ordering the Registrar to strike the legal practitioner's name off the roll; or
- (b) suspending that legal practitioner from practice by ordering him not to engage in practice as a legal practitioner for such period as may be specified in the direction; or
- (c) admonishing the legal practitioner.

17. Findings, etc, in cases not amounting to infamous conduct

The Professional Conduct Committee may, if it finds proved misconduct not amounting to infamous conduct in a professional capacity, make such order as the circumstances may require, not inconsistent with the provisions of the Bill.

18. Costs

The Professional Conduct Committee may without finding any misconduct proved against a legal practitioner, nevertheless order any party to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Professional Conduct Committee shall think fit so to order.

19. Publication of findings and direction of Professional Conduct Committee

Subject to the provisions of this rule (which relates to the lodging of appeal against the direction of the Professional Conduct Committee), any direction given by the Professional Conduct Committee in accordance with paragraphs (a) and (b) of rule 16 hereof, shall be published in the Federal Gazette or newspaper as soon as such direction takes effect.

20. Record of proceedings

- (1) Notes of the proceedings shall be taken in writing by any designated member of the Professional Conduct Committee and any party who appeared at the proceeding shall be entitled to be supplied with a copy of the record of the proceedings on the payment of such fees as may be prescribed by the Legal Profession Regulation Council of Nigeria.
- (2) The secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Professional Conduct Committee, and to the Legal Profession Regulation Council of Nigeria, and to any other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Legal Profession Regulation Council of Nigeria.

21. Dispensing with provisions of rules

The Professional Conduct Committee may dispense with any requirement of these rules respecting notices, affidavits, documents, service, or time, in any case where it appears to the Professional Conduct Committee to be just so to do.

22. Extension of time

The Professional Conduct Committee may in any give case extend the time for doing anything under these Rules.

23. Exhibits and books to be kept by secretary

The Professional Conduct Committee may order that any books, papers, or other exhibits produced or used at a hearing, shall be retained by the secretary until such time within which an appeal may be entered has expired; and, if notice of appeal is given, until the appeal is heard or otherwise disposed of.

Form 1

Notice of hearing by the Disciplinary Committee

In the matter of A.B.,a legal practitioner

and

In the matter of the Legal Profession Regulation Bill.

TAKE NOTICE that the report of the Nigerian Bar Association in the above matter is fixed for hearing by the Committee aton theday of.....20..... at 0' clock in the forenoon.....

A copy of the report and other related documents are attached hereto.

DATED theday of20.....

.....

Secretary to the Professional Conduct Committee

LEGAL PRACTITIONERS (REMUNERATION FOR LEGAL DOCUMENTATION AND OTHER LAND MATTERS) ORDER

ARRANGEMENT OF ORDER

ORDER

1. Regulation of remuneration in legal documentation and other land matters.
2. Exclusion of certain expenses, etc.
3. Drafts, etc., to be client's property.
4. Business requiring special exertion.
5. Legal practitioner may give notice on election to charge under Scale III.

6. Security against remuneration interest on disbursements, etc.
7. Fees chargeable to be as specified in Scales.
8. Rules for the operation of fees specified in the Scales.
9. Interpretation
10. Citation and revocation.

LEGAL PRACTITIONERS (REMUNERATION FOR LEGAL DOCUMENTATION AND OTHER LAND MATTERS) ORDER

(1st December, 2017) (Commencement)

1. Regulation of remuneration in legal documentation and other land matters

The remuneration of a legal practitioner in respect of business connected with any sale, purchase, lease, mortgage and other matter of legal documentation and in respect of other business not otherwise regulated and not being business in any action or transaction in any court, shall be regulated as follows –

- (a) in respect of a sale, purchase or mortgage that is completed, the remuneration of the legal practitioner having the conduct of the business shall be as prescribed in Scale 1 set out in the Schedule to this Order;
- (b) in respect of a lease and agreement for lease, in which the transactions have been completed, the remuneration of the legal practitioner having the conduct of the business shall be as prescribed in Scale II set out in the Schedule to this Order;

- (c) in respect of all other legal documentation not provided for in paragraphs (a) and (b) of this section, the remuneration of the legal practitioner having the conduct of the business shall be as prescribed in Scale III set out in the Schedule to this Order.

2. Exclusion of certain expenses, etc.

- (1) The remuneration prescribed in Scales I and II set out in the Schedule to this Order shall not include –
- (a) stamps, auctioneer's or valuer's charges, travelling expenses, fees paid on searches, fees paid on registrations, costs of extracts from any register or other disbursements reasonably and properly paid;
 - (b) any extra work occasioned by changes occurring in the course of any business such as the death, insolvency or winding up of a party to the transaction;
 - (c) any business of a contentious nature or any proceeding in any court;
 - (d) any application for first registration under any enactment relating to registration of any title to land or any other interest in land necessitated by a transaction for which a scale fee is payable to the legal practitioner;

(e) any application for consent required under the Land Use Act but shall include any engrossing charge and allowance for the time of the legal practitioner and his clerks and copying and parchment and all other similar disbursements.

(2) For the purpose of this section –

“fees paid on searches” means –

- (a) charges levied by any registry for permitting searches to be made;
- (b) charges (if any) levied by any registry for providing an official search; and
- (c) fees paid to a legal practitioner for making a search at a registry outside the district in which the legal practitioner having the conduct of the business carries on his practice.

3. Drafts, etc., to be client’s property

Drafts and copies made in the course of business for which remuneration is provided for by this Order, shall be the property of the client.

4. Business requiring special exertion

A legal practitioner may be allowed, in respect of any business which is required to be and is by special exertion carried through in an exceptionally short length of time, a proper remuneration for the special exertion in accordance with the circumstances.

5. Legal practitioner may give notice on election to charge under Scale III

In all cases to which the remuneration prescribed in Scales I and II set out in the Schedule to this Order would, but for this section, be chargeable, a legal practitioner may, before undertaking any business, by writing under his hand communicated to the client, elect that his remuneration shall be in accordance with the provisions of Scale III also set out in that Schedule.

6. Security against remuneration interest on disbursements, etc.

(1) A legal practitioner may accept from his client, and the client may give to his legal practitioner, security for the amount to become due to the legal practitioner for business to be transacted by him and for interest on such amount but such interest shall not commence till the amount due is ascertained, either by agreement or taxation.

(2) A legal practitioner may charge interest at ten per cent per annum on his disbursement and cost whether by scale or otherwise, after the expiration of one month from demand from the client; and where the disbursement and cost are payable by an infant or out of a fund not presently available, the demand

may be made on the parent or guardian or the trustee or other person liable.

7. Fees chargeable to be as specified in Scales

- (1) The fees prescribed in the Scales set out in Schedule to this Order shall be the fees chargeable for the matters stated in the Scales and they shall not be negotiable.
- (2) Any legal practitioner who contravenes the provisions of subsection (1) of this section shall be guilty of a professional misconduct and shall for that purpose appear before the Legal Practitioners Disciplinary Committee.

8. Rules for the operation of fees specified in the Scales

The operation of the provisions of Scale I or II shall in each case be subject to the rules appended to each Scale.

9. Interpretation

In this Order, unless the context otherwise requires –

“copying” does not include making copies required by and Government official or land registry in connection with the approval on registration of deeds;

“perusal” or **“peruse”** means carefully reading and proffering an opinion on a document.

10. Citation

This Order may be cited as the Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order.

SCALE I

Scale of charges on sales, purchases, and mortgages and rules applicable thereto

PART 1

(1) Transaction conducted	(2) For the first N1,000 per N100 N	(3)For the second and third N1,000 per N100 N	(4)For the fourth and each subsequent N1,000 up to N20,000 per N100 N	(5)For the remainder without limit per N100 N
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1. Vendor’s legal for conducting a sale of property by public auction, including the conditions of sale –	22.50	5.62	3.75	280
(a)when the property is sold.....	11.25	5.62	2.80	1.48
(b)when the property is not sold, then on the reserved price.....				
2. a minimum charge N100.00 is to made whether a sale effected or not.				
3. Vendor’s legal practitioner for deducing title to leasehold property and perusing and completing legal documentation (including preparation of				

PART II

Consideration Remuneration

N

Under N200.....	146.75
N200 or over but not exceeding N300.....	150.50
Over N300 but not exceeding N300.....	173.25
Over N400 but not exceeding N600.....	189.20
Over N600 but not exceeding N700.....	193.75
Over N700 but not exceeding N800.....	200.00
Over N800 but not exceeding N900.....	213.75
Over N900 but not exceeding N1,000.....	225.00
Over 1,000 but not exceeding N1,100.....	235.25
Over N1,100 but not exceeding N1,200.....	247.50
Over N1,200 but not exceeding N1,300.....	258.75

Over N1,300 but not exceeding N1,400.....	270.00
Over N1,400 but not exceeding N1,500.....	281.25
Over N1,500 but not exceeding N1,600.....	292.50
Over N1,600 but not exceeding N1,700.....	301.75
Over N1,700 but not exceeding N1,800.....	303.75
Over N1,800 but not exceeding N1,900.....	316.25
Over N1,900 but not exceeding N2,000.....	337.50

PART III

Rules applicable to Scale I

1. Fractions

Fractions of two hundred naira, under one hundred naira shall be reckoned as one hundred naira and fractions of two hundred naira, above one hundred naira, are to be reckoned as two hundred naira.

2. Legal practitioner representing both parties to a mortgage

Where a legal practitioner is representing both mortgagor and mortgagee, he shall be entitled to charge the mortgagee's legal practitioner's fees and one half of the fees which would be allowed to be the mortgagor's legal practitioner.

3. Legal practitioner representing parties with distinctive interests

If a legal practitioner peruses a draft on behalf of several parties having distinct interests which ought to be separately represented, he shall be entitled to charge –

N	
(a)	Up to
N2,000.....
.....500	
(b)	N 2 , 0 0 1 -
N10,000.....
.....750	
(c)	N 1 0 , 0 0 1 -
N100,000.....
.....1,500	
(d)	A b o v e
N100,000.....
.....2,500	

4. Party separately represented

Where a party, other than the vendor or mortgagor, joins in a legal documentation and is represented by a separate legal practitioner, the charges of the separate legal practitioner are to be dealt with under the provisions of Scale III set out in this Schedule.

5. Legal documentation prepared at the same time

Where legal documents of the same property are completed at the same time and are prepared by the same legal practitioner, he shall be entitled to charge as provided for under rule 3 of these Rules.

6. Commission for sale by auction

The commission for deducing title, perusing and completing legal documentation on a sale by auction shall be chargeable on each lot of property, but where a property held under the same title is divided into lots for convenience of sale and the same purchaser buys several lots and takes one legal document, the commission shall be chargeable upon the aggregate prices of the lots.

7. Attempted sale by auction

(1) The commission on an attempted sale by auction in lots shall be chargeable on the aggregate of the reserved prices.

- (2) When property offered for sale by auction is bought and the terms of sale are afterwards negotiated and arranged by the legal practitioner, he shall be entitled to charge a commission according to the above Scale on the reserved price where the property is not sold and also one half of the commission for negotiating the sale.
- (3) When property is bought and afterwards offered for sale by auction by the legal practitioner, he shall only be entitled to charge fees for the first attempted sale and, for each subsequent sale ineffectually attempted, he shall charge his fees according to the provisions of Scale III set out in this Schedule.
- (4) In the case of subsequent effectual sale by auction, the full commission for an effectual sale shall be chargeable in addition less one half of the commission previously allowed on the first attempted sale.
- (5) The provisions of these Rules as to commission on sales or attempted sales by auction shall be subject to rule 10 of these Rules.

8. Encumbrances

Where a property is sold subject to encumbrances, the value of the encumbrances shall be deemed a part of the purchase money, except where the mortgagee purchase, in which case the charges of

his legal practitioner shall be calculated on the price of the equity redemption.

9. Transfer of mortgage

The scale for mortgages shall apply to transfer of mortgages where the title is investigated, but not –

- (a) to transfers where the title was investigated by the same legal practitioner on the original mortgage or on any previous transfers; and
- (b) to further charges where the title has been so previously investigated, and the transfers and further charges, shall be regulated according to Scale III set out in this Schedule, but the scale for negotiating the loan shall be chargeable on such transfers and further charges as applicable.

10. Sale by auction

- (1) The Scale for conducting a sale by auction shall apply only in cases where no commission is paid by the client to an auctioneer.

(2) The scale for negotiation shall apply –

(a) to cases where the legal practitioner or a vendor or purchaser arranges the sale or purchase and the price, terms and conditions thereof and no commission is paid by the client to an auctioneer’s legal practitioner; and

(b) to cases where the legal practitioner arranges and obtains the loan from a person for whom he acts.

SCALE II

PART I

Scale of charges for leases or agreements for lease at rack rent (other than a mining lease or a lease for building purposes, or agreement for the same)

1. The lessor’s legal practitioner’s scale of charges for preparing, settling and completing the ease and counterpart shall be as follows –

**Amount of rent
remuneration**

Amount of

(a) Where the rent does not exceed N100.....N37.50 on the rental but not less than N25 in any case;

(b)Where the rent exceeds N100 but does

not exceed N1,000.....N7.50 in respect of the first N100 of rent and N25 in respect of each subsequent N100 of rent or part thereof;

(c) where the rent exceeds N1,000.....N37.50 in respect of the first N100 of rent and N25 in respect of each N100 of rent or part thereof up to N1,000 and then N12.50 in respect of every subsequent N100 or part thereof.

2. The lessee's legal practitioner's scale of charges for perusing draft and completing scale of charges draft shall be one half of the amount payable to the lessor's legal practitioner.

PART II

Scale of charges for legal document in fee or for any other legal estate reserving rent or building leases reserving rent or other leases for a term of 35 years or more at rack rent (except mining leases) or agreement for the same respectively

1. (1) the vendor's or lessor's legal practitioner's scale of charges for preparing, settling and completing legal documentation and duplicate of lease and counterpart shall be as follows –

**Amount of rent
remuneration**

Amount of

(a) where the rent does not exceed N100.....N25;

(b) where it exceeds N100 but does not exceed

N1,000.....the same payment as on rent of N100 and also 20 per cent on the excess beyond N25;

(c) where it exceeds N1,000 but

does not exceed N3,000.....the same payment as on a rent of N3,000 and 10 per cent on the excess beyond N750.00;

(d) where it exceeds N3,000.....the same payment as on a rent of N3,000 and 7.5 per cent on the excess beyond N750.00

(2)Where a varying rent is payable the amount of annual rent means the largest amount of annual rent.

2. The purchaser's or lessee's legal practitioner's scale of charges for perusing draft and completing the lease shall be one half of the amount payable to the vendor's or lessor's legal practitioner.

PART III

Rules applicable to Scale II

1. Legal practitioner acting for both lessor and lessee

Where a legal practitioner acts for both lessor and lessee, he shall charge the lessor's legal practitioner's charge and one half of those of the lessee's legal practitioner.

2. Mortgagor

Where a mortgagee or mortgagor joins in a lease, the lessor's legal practitioner shall charge N100 in addition to the fee chargeable.

3. Other parties

Where a party other than a lessor joins in a lease and is represented by a separate legal practitioner the charges of the separate legal practitioner shall be dealt with under Scale III set out in this Schedule.

4. Consideration only partly in cash

Where a lease is partly in consideration of a money payment or premium and partly of a rent, there shall be paid, in addition to the remuneration prescribed in this Scale in respect of the rent, a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium.

5. Remuneration where lessee's legal practitioner prepares, completes and registers lease

Where there is no legal practitioner acting for the lessor and the lessee's legal practitioner, without acting for the lessor, attends to preparing, settling, completing, and registering the lease and counterpart, he shall be entitled to the fee which would have been payable had he been acting for the lessor and to one half the lessee's legal practitioner's fees.

6. Payment of fees

In the absence of any specific agreement to the contrary between the parties, each legal practitioner shall be paid his fees by the party instructing him.

SCALE III

Any business, not being contentious business for which the charge is prescribed or in respect of which the legal practitioner has elected to charge under Scale III

The Scale of charges for any business not provided for elsewhere in this Order shall be such sums as may be fair and reasonable, having regard to all the circumstances of the case and in particular to –

- (a) the complexity of the matter or the difficulty or novelty of the questions raised;
- (b) the skill, labour, specialized knowledge and responsibility involved on the part of the legal practitioner;
- (c) the number and importance of the documents prepared or perused, without regard to length;
- (d) the time expended by the legal practitioner in the business;

- (e) the place where and the circumstances in which the business or a part thereof is transacted;
 - (f) the amount of money or value of property involved; and (g) the importance attached to the business by the client.
-

ENTITLEMENT TO PRACTISE AS BARRISTERS AND SOLICITORS (FEDERAL OFFICERS) ORDER

(1st December, 2017) Commencement

1. Entitlement to practice

- (1) A person who, by virtue of his employment in or deployment by the Federal Ministry of Justice, is the holder for the time being of any of the offices in the civil service of the Federation set out in the Schedule to this Order, shall be entitled to practice as a barrister and solicitor for the purposes of that office.
- (2) For the avoidance of doubt any person holding office in the civil service of the Federation, other than law officers in the Federal Ministry of Justice, shall not practice as a barrister or solicitor in Nigeria while still a holder of that office.

2. Citation

This Order may be cited as the Entitlement to practice as Barristers and Solicitors (Federal Officers) Order.

Law officers in the Federal Ministry of Justice entitled to practice as Barristers and Solicitors

1. Directors.
2. Deputy Directors.
3. Assistant Directors.
4. Chief Legal Officers
5. Assistant Chief Legal Officers.
6. Principal Legal Officers.
7. Senior Legal Officers.
8. Legal Officers.
9. Pupil Legal Officers.

ENTITLEMENT TO PRACTICE AS BARRISTERS AND SOLICITORS (NATIONAL ASSEMBLY OFFICE) (LEGAL PRACTITIONERS) ORDER

(1st December, 2017) Commencement

1. Entitlement to Practice

A legal practitioner who, by virtue of his employment in the Legal Services Department of the National Assembly Office, is the holder for the time being of any of the offices in the public service of the Federation, shall for the duration of his tenure of the said office, be entitled to practice as a barrister and solicitor for the purposes of that office.

2. Citation

This Order may be cited as the Entitlement to Practice as Barristers and Solicitors (National Assembly Office) (Legal Practitioners) Order.

ENTITLEMENT TO PRACTICE AS BARRISTERS AND SOLICITORS (FEDERAL HOUSING AUTHORITY) (LEGAL PRACTITIONERS) ORDER

(1st December, 2017) Commencement

1. Entitlement to Practice

A legal practitioner who, by virtue of his employment in the Legal Services Department of the Federal Housing Authority, is the holder for the time being of any of the offices in the public service of the Federation, shall for the duration of his tenure of the said office, be entitled to practice as a barrister and solicitor for the purposes of that office.

2. Citation

This Order may be cited as the Entitlement to Practice as Barristers and Solicitors (Federal Housing Authority) (Legal Practitioners) Order.

ENTITLEMENT TO PRACTICE AS BARRISTERS AND SOLICITORS (FEDERAL ROAD SAFETY COMMISSION) (LEGAL OFFICERS) ORDER

(1st December, 2017) Commencement

1. Entitlement to Practice

A legal practitioner who, by virtue of his employment in the Legal Services Unit of the National headquarters of the Federal Road Safety Commission or any of the zonal or sector commands of the Commission, is the holder for the time being of any of the offices in the public service of the Federation, shall for the duration of his tenure of the said office, be entitled to practice as a barrister and solicitor for the purposes of that office.

2. Citation

This Order may be cited as the Entitlement to Practice as Barristers and Solicitors (Federal Road Safety Commission) (Legal Officers) Order.

LEGAL PRACTITIONERS (BAR PRACTICING FEES), NOTICE

(1st December, 2017) Commencement

1. Practicing fees for legal practitioners

As from the commencement of this Notice, the practicing fees payable by legal practitioners shall be as specified in the Schedule of this Notice.

Practicing fees payable by Legal Practitioners in Nigeria

- (a) Senior Advocates of Nigeria and Honourable Benchers.....N50,000

- (b) Legal Practitioners of 15 years’ or more standing post-call.....N25,000

- (c) Legal Practitioners of 10 years’ or more standing but less than 15 years’ post call.....N17,500

- (d) Legal Practitioners of 5 years or more standing but less than 10 years’ post-call.....N10,000

- (e) Legal Practitioners of less than 5 years’ standing post – call.....N5,000