

*Extraordinary*



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# A BILL

## FOR

AN ACT TO REPEAL THE LEGAL PRACTITIONERS ACT CAP L11, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE LEGAL PRACTITIONERS ACT TO PROVIDE FOR REFORMS AND REGULATE THE LEGAL PROFESSION AND FOR SUCH OTHER MATTERS CONNECTED THEREWITH

*Sponsored by Senator Bamidele Opeyemi*

[ ] Commencement

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

### PART A - GENERAL

1.-(1) There shall be a Body Corporate with perpetual succession and a common seal made up of Legal Practitioners of the highest distinction in the legal profession in Nigeria to be known as the Body of Benchers

(2) The powers of the Body of Benchers shall include-

(a) Call to the Bar of eligible candidates;

(b) Taking all measures (whether by making regulations pursuant to the powers conferred on it by this section or otherwise howsoever) which appear to it to be necessary or expedient for maintaining at all times the traditional values and wellbeing of the legal profession; and

(c) The exercise of disciplinary jurisdiction over members of the legal profession.

(3) The Body of Benchers shall be made up of the following members-

(a) The Chief Justice of Nigeria;

(b) All the Justices of the Supreme Court;

(c) The President of the Court of Appeal;

(d) Life Benchers;

- 1 (e) The Attorney General of the Federation;  
2 (f) The President of the Nigerian Bar Association;  
3 (g) The Presiding Justices of the Court of Appeal Divisions;  
4 (h) The Chairman of the Council of Legal Education;  
5 (i) The Chief Judge of the Federal High Court;  
6 (j) The President of the National Industrial Court;  
7 (k) The Chief Judge of the High Court of the Federal Capital Territory,  
8 Abuja;  
9 (l) The Chief Judges of the States of the Federation;  
10 (m) The Attorneys General of the States of the Federation;  
11 (n) President of the Senate (where he is a lawyer);  
12 (o) Speaker of the House of Representatives (where he is a lawyer);  
13 (p) The Chairman of the Senate Committee on Judiciary (where he is a  
14 lawyer);  
15 (q) The Chairman of the House Committee on Judiciary (Where he is a  
16 lawyer);  
17 (r) 30 (Thirty) Legal Practitioners nominated by the National  
18 Executive Committee of the Nigerian Bar Association with a minimum of 15  
19 years' post call; Five (5) of whom shall be Law Teachers;  
20 (s) Such number of persons, not exceeding 10 (ten), who appear to the  
21 Body of Benchers to be eminent members of the Legal Profession in Nigeria of  
22 not less than 15 (fifteen) years post call standing, nominated by the Chairman,  
23 Body of Benchers.  
24 (4) The Body of Benchers shall make regulations-  
25 (a) providing for a modification in the membership of the Body of  
26 Benchers as set out in subsection (3) of this section and the qualifications for  
27 and conditions applicable to such membership;  
28 (b) providing for the tenure of office of Benchers including the  
29 conferment of life membership on any Bencher;  
30 (c) providing for the appointment of persons of distinction in any

1 country as honorary members of the Body of Benchers and the conditions  
2 applicable to such appointment;

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

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

9 (5) Any Bencher may in such manner and subject to such procedure  
10 as may be prescribed be removed from office for misconduct or on such  
11 other ground as the Benchers may, in their discretion determine.

12 (6) The Benchers shall meet at such times, at the Benchers Hall  
13 and/or places that may be convenient for them and may, in such manner as  
14 they think fit, prescribe the procedure for their meetings.

15 (7) The validity of any proceedings of the Body of Benchers shall  
16 not be affected by any vacancy in the membership of the Body or by any  
17 defect in the appointment of a member or by any irregularity in such  
18 proceedings.

19 (8) The disciplinary powers conferred on the Body of Benchers  
20 under subsection (2)(c) of section 1 shall be exercised in such manner as  
21 may be prescribed by rules made by the Body of Benchers.

22 2.-(1) Any member of the Body of Benchers whose membership is Members' Tenure  
23 by virtue of office ceases to be a Bencher immediately he leaves the office  
24 entitling him to be a member of the Body of Benchers.

25 (2) Other Members remain in office for 3 years in the first instance,  
26 but may be re-appointed for another term of 3 years only.

27 (3) Present and Past Chief Justices of Nigeria are Life Benchers.

28 (4) A Member who serves in the Body consistently,  
29 conscientiously and meritoriously for a period of 5 consecutive years

1 becomes eligible to be appointed a Life Bencher, provided there is a vacancy.

2 (5) The Body of Benchers may make rules providing, among other  
3 items, for the-

4 (a) Appointment of a Chairman and other officers and for succession  
5 to the offices;

6 (b) Removal of a Bencher for misconduct;

7 (c) Convening of meetings;

8 (d) Licensing of Legal Practitioners;

9 (e) Discipline of Legal Practitioners;

10 (f) Tenure and quorum of Legal Practitioners' Disciplinary  
11 Committee;

12 (g) Appointment of Honorary Benchers from other jurisdictions;

13 (h) Composition and quorum for specific assignments.

14 (6) The quorum of the Body of Benchers for general business is 30.

15 (7) The validity of any proceedings of the Body of Benchers shall not  
16 be vitiated by any vacancy in its membership or any defect in the appointment  
17 of a member.

Office of the  
Secretary and  
Secretariat for  
the Body of  
Benchers

18 3.-(1) There shall be established for the Body, the office of a Secretary  
19 who shall have a career service and shall be appointed by the Body of  
20 Benchers.

21 *Secretary*

Functions and  
Qualification

22 (2) The Secretary shall be-

23 (i) The head of the Secretariat and shall be responsible for the  
24 execution of policies and the day to day running of the affairs of the Body;

25 (ii) A Legal Practitioner with a career service of not less than 10 years  
26 post call experience;

27 (iii) The Chief Accounting Officer, shall keep all financial records and  
28 render Financial Accounting Returns to the Accountant General of the  
29 Federation and to the Body of Benchers;

30 (iv) Responsible for the administration of the Secretariat, keeping of

1 the books and records of the Body and perform such other duties and  
2 functions as the Chairman may from time to time direct;

3 (v) Subject to the supervision and control of the Chairman and the  
4 Body;

5 (vi) Prudent in collection and expenditure of all revenue;

6 (vii) Responsible for preparing and defending the Annual budget  
7 of the Body;

8 (viii) In charge of all the Committees of the Body;

9 (ix) Responsible for Issuance of Notice of Meetings of the Body of  
10 Benchers and Committee Meetings;

11 (x) Responsible for supervising and overseeing the arrangements  
12 for Call to Bar ceremonies and Law dinners;

13 (xi) Responsible for carrying out and implementing the  
14 Resolutions passed by the Body from time to time and also be responsible  
15 for carrying out and executing such other instructions and directives as may  
16 be given to him by the Body or its Chairman; and

17 (xii) Maintain a record of the roll of Legal Practitioners in Nigeria.

18 (3) (a) The Body shall have powers to appoint such number of  
19 persons as it deems necessary as staff of the Body; Staff of the  
Body

20 (b) The scheme of service obtainable in the judiciary and public  
21 service shall be applicable to the staff;

22 (c) The Body of Benchers may make staff regulations relating  
23 generally to the conditions of service of the employees of the Body and  
24 without prejudice to the generality of the foregoing such regulations may  
25 provide for the appointment, promotion and disciplinary control (including  
26 dismissal) of any employee.

27 4.-(1) The Body shall be duly funded and operate within normal Financial  
Provision  
28 budgetary allocation as may be made to it by the Federal Government  
29 through the National Judicial Council.

30 (2) The Body of Benchers may accept gifts of money or movable or Power to accept  
gifts

Composition  
and Proceedings  
of Bar Council

1     immovable property upon such terms and condition as may be prescribed by  
2     the Body.

3             (3) The Body of Benchers shall not accept any gift if the conditions  
4     attached thereto by the person or organization making the gift to the acceptance  
5     thereof are inconsistent with or inimical to the functions of the Body of  
6     Benchers.

7             (4) The Body of Benchers may, subject to any trust created in respect  
8     of any property, invest its funds including any of its surplus funds in any  
9     securities as may be approved by the Body of Benchers.

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

16            (2) The Bar Council shall consist of-

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

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

20            (c) twenty members of the association.

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

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

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

29            (4) The quorum of the Bar Council shall be eight, and the council may  
30     make standing orders regulating the procedure of the council and, subject to

1 the provisions of any such orders, may regulate its own proceedings; and no  
2 proceedings of the council shall be invalidated by any vacancy in the  
3 membership of the council, or by the fact that any person took part in the  
4 proceedings who was not entitled to do so.

5 **6.-(1)** All Courts shall accord to the officers listed in subsection (2) Inner Bar and  
6 the privileges listed in subsection (3). Docket Priority

7 (2) The officers are the Attorney General of the Federation,  
8 Attorneys General of States, Senior Advocates of Nigeria, Life Benchers,  
9 President of the Nigerian Bar Association, Solicitor General of the  
10 Federation and Solicitors General of the States.

11 (3) The privileges are-

12 (a) The privilege to sit in the Inner Bar or front rows of the seats  
13 available in Courts for Legal Practitioners;

14 (b) Without prejudice to the priority of criminal and human rights  
15 cases, the privilege to mention their cases out of turn.

16 **7.-(1)** A person is entitled to practice as a Legal Practitioner only if Practice as a  
17 his name is on the Roll of the Legal Practitioners kept at the Supreme Court Legal Practitioner  
18 of Nigeria and he has met all the conditions for practice set out in this Act and  
19 any rules made by the Body of Benchers.

20 (2) For the purposes of this Act and any other enactment relating to  
21 the entitlement of any person to practice law in Nigeria, the terms 'practice  
22 of law' and the 'provision of legal services' shall include the provision of  
23 advice on, and/or the application of, legal principles and judgment to the  
24 circumstances of any person who requires the knowledge and skill of a  
25 person trained in the law.

26 (3) For the purposes of this section:

27 (a) 'Person' includes the plural as well as the singular and denotes  
28 an individual or any legal or commercial entity;

29 (b) "Adjudicative body" includes a court, a mediator, an arbitrator  
30 or a legislative body, administrative agency or other body acting in an

1 adjudicative capacity. A legislative body, administrative agency or other body  
2 acts in an adjudicative capacity when a neutral official, after the presentation of  
3 evidence or legal argument by a party or parties, will render a binding legal  
4 judgment directly affecting a party's interests in a particular matter.

5 (4) The practice of law and the provision of legal services:

6 (a) in Nigeria;

7 (b) in relation to matters of Nigerian law; or

8 (c) in relation to disputes or transactions with substantial nexus to  
9 Nigeria, shall be carried on only by persons entitled to practice law in Nigeria.

10 (5) A person is presumed to be practicing law or providing legal  
11 services when engaging in any of the following conduct on behalf of another:

12 (a) giving advice or counsel to persons as to their legal rights or  
13 responsibilities or to those of others;

14 (b) selecting, drafting, or completing legal documents or agreements  
15 that affect the legal rights of a person;

16 (c) representing a person before an adjudicative body, including, but  
17 not limited to, preparing or filing documents or conducting discovery; or

18 (d) negotiating legal rights or responsibilities on behalf of a person.

19 (6) Notwithstanding the provisions above, the following are  
20 permitted whether they constitute the practice of law or not:

21 (a) Pro se representation;

22 (b) Serving as arbitrator, mediator, conciliator or expert determiner;

23 and

24 (c) trainee law students working under the direct supervision of  
25 persons entitled to practice law in Nigeria in strict compliance with the Rules of  
26 Professional Conduct.

Eligibility for  
the Bar

27 **8.** A candidate is eligible to be called to the Bar if the candidate  
28 satisfies the Body of Benchers that-

29 (1) The Council of Legal Education has issued a Qualifying  
30 Certificate to the candidate;

1 (2) The candidate is of good character; and

2 (3) The candidate has satisfied all prescribed conditions by the  
3 Body of Benchers.

4 **9.** The Body of Benchers shall issue to every person called to the Certificate of  
5 Bar a Certificate. Call and Enrolment

6 **10.** The Chief Registrar of the Supreme Court shall enrol every  
7 person who presents to him a Certificate of Call to the Bar issued to that  
8 person.

9 **11.**-(1) Every person called to the Nigerian Bar shall undergo a Pupilages  
10 mandatory pupillage for one year.

11 (2) Any person who has not undertaken the mandatory one year  
12 pupillage shall not be entitled to commence practice as a Legal Practitioner.

13 (3) The Body of Benchers shall make regulations and set up the  
14 criteria for the conduct of pupillage for new entrants to the Bar.

15 (4) The Body of Benchers shall develop and maintain a pupillage  
16 Handbook which shall among others deal with the structure and duration of  
17 the pupillage programme, fair treatment and selection of pupils, duties,  
18 training and responsibilities of pupil supervisors, support and advise for  
19 pupils, complaints procedures and remuneration of the pupil.

20 (5) The Body of Benchers shall have a division responsible for  
21 pupillage programme and shall have qualified Legal Practitioners as pupil  
22 supervisors. Participation and contribution as pupil supervisor will be one of  
23 the criteria for conferment of legal practitioners' privileges under this Act.

24 (6) The commencement of this section shall be upon issuance of  
25 appropriate rules by the Body of Benchers.

26 **12.** It shall be the responsibility of the Body of Benchers to set Inspection and  
27 standards for law offices of Legal Practitioners in Nigeria. Accreditation

28 **13.**-(1) Subject to the Regulations from time to time made by the Practicing  
29 Body of Benchers, a person whose name is on the Roll shall be entitled to Licence  
30 practice as a legal practitioner provided that before offering any form of

1 legal service, he obtains a practicing licence from the Body of Benchers  
2 certifying that he is entitled to practice as a legal practitioner according to the  
3 provisions of this Section.

4 (2) The practicing licence shall be issued or renewed at intervals  
5 prescribed under the regulations made from time to time by the Body of  
6 Benchers.

7 (3) The practicing licence shall be issued or renewed by the Body of  
8 Benchers upon being satisfied that the applicant has:

9 (a) Obtained the required number of credits under a mandatory  
10 continuing legal education scheme administered or approved by the Nigerian  
11 Bar Association;

12 (b) Paid annual practicing fees stipulated in this Act for the year the  
13 application is made; and

14 (c) Satisfied the Body of Benchers that he is a person of good  
15 character.

16 (4) It shall be unlawful for any person without a valid licence:

17 (a) to act in anyway or to present himself or herself before any court,  
18 Tribunal or Arbitrator as a legal practitioner;

19 (b) in any way as a legal practitioner or hold himself out as such when  
20 he is not, including preparing and or signing or filing any Contract,  
21 memorandum, deed, will, lease, assignment, power of attorney, mortgage, title  
22 deed, notice, warrant, bond, legal opinion, affidavit or any other document  
23 whatsoever.

Stamp and  
Seal

24 **14.-(1)** Every document of the type referred to in subsection (4) of  
25 section 13 signed by a legal practitioner in his or her capacity as such, and  
26 which purports to affect the rights, interests, estate or liability of any person  
27 shall be evidenced by affixing a stamp and seal to be issued to individual Legal  
28 Practitioners by the Body of Benchers.

29 (2) The Body of Benchers shall constitute a standing committee to  
30 issue and renew licences, stamps and seals and implement the Regulations

1 made pursuant to Section 13 of the LPA.

2           **15.** The Chief Justice of Nigeria may, after consultation with the      Rules to allow  
3 Body of Benchers, by regulations provide for the enrolment of the names of      practice by Foreign  
4 persons who are authorised by law to practise as members of the legal      Lawyers  
5 profession in any country where, in his opinion, persons whose names are on  
6 the Roll are afforded special facilities for practising as members of that  
7 profession; and, without prejudice to the generality of the power conferred  
8 by the foregoing provisions of this section. The regulations may require  
9 persons seeking enrolment by virtue of the regulations to pass such  
10 examinations and to pay such fees as may be specified by or under the  
11 regulations.

12           **16.** It shall be the duty of the Chief Registrar of the Supreme Court      Roll of Legal  
13 to continue to maintain the Roll of legal practitioners kept in the Supreme      Practitioners  
14 Court.

15           **17.** This Act repeals the Legal Practitioners Act, CAPL11, Laws of      Repeal and  
16 the Federation of Nigeria, 2004, Revised Edition.      Savings

17           **18.-(1)** In this Act the following terms have the meanings      Interpretation  
18 respectively assigned to them, unless the context requires otherwise:  
19 "Attorney-General" means Attorney-General of the Federation and  
20 Attorneys General of States;  
21 "Bar Council" means the General Council of the Bar; '  
22 "Client" includes any person to whom a Legal Practitioner provides Legal  
23 services;  
24 "Foreign lawyer" means a person entitled to practise law in a foreign  
25 jurisdiction;  
26 "Former Act" means the Legal Practitioners Act 2004 as amended;  
27 "functions" includes duties and powers;  
28 "him" includes female gender and vice versa;  
29 "instrument", in relation to immovable property, means any document  
30 which confers, transfers, limits and charges or extinguishes any interest in

1 the property or which purports to do so;  
2 "Legal Practice"  
3 "legal practitioner" means a person whose name is on the Roll of Legal  
4 Practitioners kept at the Supreme Court of Nigeria;  
5 "NBA" Referencing to NBA, Nigerian Bar Association and Association  
6 includes Incorporated Trustee of the Nigerian Bar Association or any other  
7 Body incorporated for the governance and management of the Legal  
8 Profession;  
9 "Prescribed" means by regulations made by the Body of Benchers;  
10 "the Roll" means the Roll of legal practitioners maintained under Section 16;  
11 "SAN" means a legal practitioner who has been elevated to the rank of Senior  
12 Advocate of Nigeria;  
13 "Solicitor-General" means the Solicitor-General of the Federation or of a State;  
14 "theft" means stealing and includes fraudulent conversion or misappropriation.

Citation

15 **19.-(1)** This Bill may be cited as the Legal Practitioners Bill, 2021.

16 FIRST SCHEDULE

17 COMMITTEES OF THE BODY OF BENCHERS

18 1.-(a) The Body of Benchers may establish such number of  
19 Committees from time to time for the purpose of carrying out its statutory  
20 duties. The Body shall determine the term of reference, regulations and mode  
21 of appointment, tenure, quorum and manner of meetings for each Committee;

22 (b) For the time being, the Body shall have the following Committees:

23 (i) Legal Practitioners Licensing Committee:

24 The Licensing Committee shall amongst other things be charged with the  
25 responsibility of issuing and renewing licenses which may include issuing  
26 stamp and seals to all eligible Lawyers who wish to practice law in Nigeria.

27 (ii) Legal Practitioners Disciplinary Committee:

28 The function of the Committee shall include the duty of considering and  
29 determining any case where it is alleged that a person who is a member of the  
30 legal profession has misbehaved in his capacity as such or should for any other

1 reason be the subject of proceedings under this Act.

2 (iii) Rules Committee:

3 The function shall be to make and review Rules for the Body of Benchers.

4 (iv) Screening Committee:

5 The Committee shall, amongst other things be charged with the  
6 responsibility of screening aspirants to the Bar to ensure that they are fit and  
7 proper persons to be admitted into the Nigerian Bar.

8 (v) Finance Committee:

9 The Committee shall amongst other things be responsible for managing the  
10 finances of the Body of Benchers as contributed by statutory members.

11 (vi) Publicity Committee:

12 The function of the Committee shall be to project the image of the Body of  
13 Benchers through such processes including but not limited to publications,  
14 website management, etc.

15 (vii) Benchers Appointment Committee:

16 The Committee shall amongst other functions, be responsible for the  
17 appointment of Benchers and Life Benchers to ensure that only persons with  
18 proven integrity are appointed as Benchers and only deserving Benchers are  
19 conferred with the status of Life membership.

20 (viii) Ethics and Compliance Committee:

21 The Committee shall be responsible amongst other things, for providing the  
22 framework for ethical conducts and behaviour of members of the Body of  
23 Benchers, particularly during Meetings, Call to Bar ceremonies and such  
24 other official engagements by the Body of Benchers

25 (ix) Mentoring and Pupilage Committee:

26 The Committee shall be responsible amongst other things for developing an  
27 effective mentoring and pupilage programme for the Body of Benchers,  
28 identifying necessary programmes as well as recommending regulations  
29 where needed.

30 (x) Recruitment, Promotion and Discipline Committee:

1 The function of the Committee includes the recruitment of senior staff for the  
2 Body of Benchers as well as promotion and discipline of staff within the  
3 organization.

4 (xi) Elders Committee:

5 The Elders Committee comprises of Past Chairmen of the Body of Benchers  
6 and shall be responsible amongst other things to advice the Body of Benchers  
7 on matters which affects the entire Legal Profession aimed at having a  
8 harmonious and respected Profession.

9 (xii) Legal Practitioners Privileges Committee:

10 The Committee shall amongst other things be responsible for the conferment  
11 on any deserving Legal Practitioner the Rank of Senior Advocate of Nigeria.

12 ITEM A - Legal Practitioners Licensing Committee:

13 (1) There shall be a committee of the Body of Benchers to be known  
14 as the Legal Practitioners Licensing Committee (in the Act referred to as "the  
15 Licensing Committee") which shall be charged with the duty of issuing and  
16 renewal of licence to eligible applicants into the Nigerian Bar.

17 (2) The Licensing Committee shall consist of;

18 (i) The Vice Chairman, Body of Benchers as Chairman;

19 (ii) The President, Nigerian Bar Association;

20 (iii) Three (3) Life Benchers;

21 (iv) Two (2) Benchers nominated by the National Executive  
22 Committee of Nigerian Bar Association;

23 (v) Secretary of the Body of Benchers, who shall serve as the  
24 Secretary of the Committee.

25 ITEM B - The Rules Committee:

26 (1) There shall be a Committee of the Body of Benchers to be known  
27 as The Rules Committee, which shall be charged with the duty of making and  
28 reviewing rules of the Body of Benchers from time to time.

29 (2) The Committee shall consist of:

30 (i) The Vice Chairman of the Body of Benchers as the Chairman;

- 1 (ii) The President of the Nigerian Bar Association;  
2 (iii) Five (5) Benchers;  
3 (iv) The Secretary of the Body of Benchers as Secretary of the  
4 Committee.

5 ITEM C -Legal Practitioners Disciplinary Committee:

6 (1) There shall be a Committee of the Body of Benchers to be  
7 known as the Legal Practitioners Disciplinary Committee (in this Act  
8 referred to as "the Disciplinary Committee") which shall be charged with the  
9 duty of considering and determining any case where it is alleged that a  
10 person who is a member of the legal profession has misconducted himself in  
11 his capacity as such or should for any other reason be the subject of  
12 proceedings under this Act.

13 (2) The Disciplinary Committee shall consist of-

14 (a) a Chairman who shall not be either the Chief Justice of Nigeria  
15 or a Justice of the Supreme Court;

16 (b) 2 (two) Justices of the Court of Appeal one of whom shall be the  
17 President and the other a Presiding Justice;

18 (c) 2 (two) Chief Judges;

19 (d) 2 (two) Attorneys-General, who shall be either the Attorney-  
20 General of the Federation and the Attorney- General of a State or two State  
21 Attorneys-General;

22 (e) 4 (four) members of the Association who are Benchers and not  
23 connected with either the investigation of a complaint or the decision by the  
24 Association to present a complaint against a legal practitioner for  
25 determination by the Disciplinary Committee; and

26 (f) Such additional number of members of the Association as the  
27 Body of Benchers may deem fit to appoint for the purpose of the effective  
28 conduct of the business of the Disciplinary Committee.

29 (3) The quorum of the Disciplinary Committee shall be three, but  
30 no decision or proceeding of the Disciplinary Committee will be rendered

- 1     invalid on the ground of quorum other than as set out in the Interpretation Act.
- 2             (4) (i) The Body of Benchers shall make rules for the purposes of any
- 3     proceedings and as to the procedure to be followed and the rules of evidence to
- 4     be observed in proceedings before the Disciplinary Committee;
- 5             (ii) The rules shall in particular provide-
- 6             (a) For securing that notice of the proceedings shall be given, at such
- 7     time and in such manner as may be specified by the rules, to the person against
- 8     whom the proceedings are brought;
- 9             (b) For determining who, in addition to the person aforesaid, shall be a
- 10    party to the proceedings;
- 11            (c) For securing that any party to the proceedings shall, if he so
- 12    requires, be entitled to be heard by the Disciplinary Committee;
- 13            (d) For enabling any party to the proceeding to be represented by a
- 14    legal practitioner;
- 15            (e) The costs of proceedings before the Disciplinary Committee;
- 16            (f) For requiring, in a case where it is alleged that the person against
- 17    whom the proceedings are brought is guilty of infamous conduct in any
- 18    professional respect, that where the Disciplinary Committee adjudges that the
- 19    allegation has not been proved it shall record a finding that the person is not
- 20    guilty of such conduct in respect of the matters to which the allegation relates;
- 21            (g) For publishing in the Federal gazette notice of any direction of the
- 22    Disciplinary Committee which has taken effect providing that a person's name
- 23    shall be struck off the roll or that a person shall be suspended from practice
- 24            (5) (i) A person appointed by the Body of Benchers to be a member of
- 25    the Disciplinary Committee shall unless he previously resigns, hold office for
- 26    such term, not exceeding three years, as may be specified in his instrument of
- 27    appointment;
- 28            (ii) A person ceasing to be a member of the Disciplinary Committee
- 29    shall be eligible for reappointment as a member of the Committee for another
- 30    term of three years.

1                   (6) The Disciplinary Committee may act notwithstanding any  
2           vacancy in its membership and no proceedings of the Disciplinary  
3           Committee shall be invalidated by any irregularity in the appointment of a  
4           member thereof, or by reason of the fact that any person who was not entitled  
5           to do so took part in the proceedings, or by virtue of any variation in the  
6           composition of the membership of the panel in the course of proceedings.

7                   (7) The Disciplinary Committee may empanel its members to sit in  
8           divisions.

9                   (8) Any document authorized or required by this Act to be served  
10          on the Disciplinary Committee shall be served on the Secretary, Body of  
11          Benchers.

12                   ITEM D - Penalties for unprofessional conduct, etc.

13                   (1) Where-

14                   (a) A person who is a member of the legal profession is judged by  
15          the Disciplinary Committee to be guilty of infamous conduct in any  
16          professional respect; or

17                   (b) A person who is a member of the legal profession is convicted,  
18          by any court in Nigeria having power to award imprisonment, of an offence  
19          (whether or not an offence punishable with imprisonment) which in the  
20          opinion of the Disciplinary Committee is incompatible with the status of a  
21          legal practitioner; or

22                   (c) The Disciplinary Committee is satisfied that the name of any  
23          person has been fraudulently enrolled, the Disciplinary Committee, may, if  
24          it thinks fit, give a direction-

25                   (i) Ordering the Registrar to strike that person's name off the Roll;

26                   (ii) Suspending that person from practice by ordering him not to  
27          engage in practice as a legal practitioner for such period as may be specified  
28          in the direction; or

29                   (iii) Admonishing that person,  
30          and any such direction may, where appropriate, include provision requiring

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

3 (2) Where a person whose name is on the Roll is judged by the  
4 Disciplinary Committee to be guilty of misconduct not amounting to infamous  
5 conduct which, in the opinion of the Disciplinary Committee, is incompatible  
6 with the status of a legal practitioner, the Disciplinary Committee may, if it  
7 thinks fit, give such a direction as is authorized by Paragraph 1 (c) (ii) or (iii) of  
8 Item D of Schedule 1; and any such direction may, where appropriate, include  
9 provision requiring the refund of moneys paid or the handing over of  
10 documents or any other thing, as the circumstances of the case may require.

11 (3) The Disciplinary Committee may, if it thinks fit, defer or further  
12 defer its decision as to the giving of a direction under Paragraphs 1 and 2 of  
13 Item D of Schedule 1 until a subsequent meeting of the Committee.

14 (4) It shall be the duty of the Bar Council to make rules from time to  
15 time on professional conduct in the legal profession and cause such rules to be  
16 published in the Federal Government Gazette and distributed to all the  
17 branches of the Association.

18 (5) For the purposes of paragraph 1 of Item D of Schedule 1, a person  
19 shall not be treated as convicted as mentioned in Paragraph 1(b) of Item D of  
20 Schedule 1 unless the conviction stands at a time when no appeal or further  
21 appeal is pending or may (without extension of time) be brought in connection  
22 with the conviction.

23 (6) When the Disciplinary Committee gives a direction under  
24 Paragraph 1 or Paragraph 2 of Item D of Schedule 1, the Disciplinary  
25 Committee shall cause notice of the direction to be served on the person to  
26 whom it relates and submit to the Body of Benchers a report on its findings  
27 which resulted in the issuance of the notice.

28 (7) The person to whom such a Direction relates may, at any time  
29 within 28 days from the date of service on him of notice of the direction, appeal  
30 against the Direction to the Supreme Court; and the Disciplinary Committee

1 may appear as respondent to the appeal and, for the purpose of enabling  
2 Directions to be given as to the costs of the appeal and of proceedings before  
3 the Disciplinary Committee, shall be deemed to be a party thereto whether  
4 or not it appears on the hearing of the appeal.

5 (8) A Direction of the Disciplinary Committee under Paragraph 1  
6 or Paragraph 2 of Item D of Schedule 1 shall take immediate effect.

7 (9) Where a Direction is given under Paragraph 1 or 2 of Item D of  
8 Schedule 1 for the refund of moneys paid or the handing over of documents  
9 or any other thing and within 28 days of the date of the direction (or where an  
10 appeal is brought, on the dismissal of the appeal) and the legal practitioner  
11 fails to comply with the direction, the Disciplinary Committee may deal  
12 with the case as one involving misconduct by the legal practitioner in his  
13 professional capacity.

14 (10) where a Direction given under paragraph 1 or 2 of Item D of  
15 Schedule 1 and such a Direction is affirmed by the Supreme Court, such  
16 Direction of the Supreme Court shall be published by the Body of Benchers  
17 in the Federal Government Gazzette and copies shall be issued to the Chief  
18 Justice of Nigerian, President of the Court of Appeal, Chief Judge of the  
19 Federal High Court, President of the National Industrial Court, Chief Judges  
20 of States, Attorney General of the Federation, Attorneys General of States,  
21 Nigerian Bar Association, Inspector General of Police, Nigerian Law  
22 School and other relevant bodies or agencies.

23 ITEM E - Disciplinary jurisdiction of the Supreme Court:

24 (1) Where it appears to the Supreme Court that a person whose  
25 name is on the Roll has been guilty of infamous conduct in any professional  
26 respect with regard to any matter of which the court or any other court of  
27 record in Nigeria is or has been seized, the Supreme Court may if it thinks fit,  
28 after hearing any representations made and evidence adduced by or on  
29 behalf of that person and such other persons as the court considers  
30 appropriate, give such a direction as is mentioned in Paragraph 1 of Item D

1 of Schedule 1, and the direction shall take effect forthwith; and except in the  
2 case of an admonition the court shall cause notice of the direction to be  
3 published in the Federal Government Gazette.

4 (2) Where it appears to the Chief Justice that a legal practitioner  
5 should be suspended from practice, either with a view to the institution against  
6 him of proceedings under this Act before the Disciplinary Committee or while  
7 any such proceedings are pending, the Chief Justice may if he thinks fit, after  
8 affording the practitioner in question an opportunity of making representations  
9 in the matter, give such direction as is authorized by paragraph 1 (ii) of Item D  
10 of Schedule 1 and in deciding whether to give such a direction in consequence  
11 of the conviction of a legal practitioner, the Chief Justice shall be entitled to  
12 disregard the provisions of Paragraph 5 of Item D of Schedule 1.

13 ITEM F - Restoration of names to Roll, etc.

14 (1) Where either before or after the commencement of this Act the  
15 name of any person has been struck off the Roll or a person has been or is  
16 deemed to have been suspended from practice, he may, subject to the  
17 provisions of Paragraph 2 of Item F of Schedule 1, make an application for the  
18 restoration of his name to the Roll or the cancellation of the suspension-

19 (a) If the striking off or suspension was ordered by the Chief Justice or  
20 the Supreme Court, to that Court; and

21 (b) In any other case, to the Disciplinary Committee.

22 (2) A direction under Paragraph 1 of Item B of Schedule 1 or  
23 Paragraph 1 of the disciplinary jurisdiction of the Supreme Court of this Act  
24 may prohibit an application under Paragraph 1 of this Item until the expiration  
25 of the period specified in the direction; and where such an application is duly  
26 made to the Supreme Court or the Disciplinary Committee, the court or  
27 Disciplinary Committee may direct that no further application shall be made  
28 under Paragraph 1 of this Item until the expiration of the period specified in the  
29 direction under this subsection.

- 1 SECOND SCHEDULE
- 2 ITEM A - The Legal Practitioners Privileges Committee:
- 3 1. There shall be the Legal Practitioners Privileges Committee of
- 4 the Body of Benchers which shall consist of:
- 5 (i) The Chief Justice of Nigeria as the Chairman;
- 6 (ii) The Justice of the Supreme Court next in seniority to the Chief
- 7 Justice;
- 8 (iii) The President of the Court of Appeal;
- 9 (iv) The Attorney-General of the Federation;
- 10 (v) The President of the NBA;
- 11 (vi) 2 (Two) past Presidents of the NBA;
- 12 (vii) The Chief Judge of the Federal High Court;
- 13 (viii) 6 (Six) Chief Judges of the High Courts of States appointed
- 14 by the Chief Justice of Nigeria in rotation from among states constituting
- 15 each of the six geographical zones;
- 16 (ix) 6 (Six) Senior Advocates of Nigeria nominated by the National
- 17 Executive Committee of the NBA; and
- 18 (x) 2 (Two) Life Benchers selected by the Chairman of the Body of
- 19 Benchers
- 20 2. The members of the Privileges Committee appointed under
- 21 Paragraph 1 (vi), (viii) and (ix) above shall hold office for a term of 2 years,
- 22 renewable only once.
- 23 3. The Privileges Committee may act, proceed or function even if
- 24 there are vacancies in its membership.
- 25 4. Quorum for Privileges Committee proceedings is 9.
- 26 5. The Privileges Committee may by instrument confer on any
- 27 deserving Legal Practitioner the rank of Senior Advocate of Nigeria.
- 28 6. Eligibility for Rank of SAN
- 29 A candidate for a rank of SAN must be a Legal Practitioner with at least 15

1 years' post-call experience, who has achieved distinction in the Legal  
2 Profession.

3 7. The Legal Practitioners' Privileges Committee shall, with the  
4 approval of the Body of Benchers make rules as to the privileges to be accorded  
5 to Senior Advocates of Nigeria, as to the functions of a legal practitioner, which  
6 are not to be performed by a Senior Advocate of Nigeria, as to the mode of  
7 appearance before courts by a Senior Advocate of Nigeria, and generally, but  
8 without prejudice to the foregoing, for ensuring the dignity of the rank of  
9 Senior Advocate of Nigeria.

10 8. The Privileges Committee with the approval of the Body of  
11 Benchers shall make, retain or review rules and criteria for conferment of the  
12 rank of SAN, but may stipulate clear conditions for withdrawal of the rank, and  
13 those conditions must stipulate prior disciplinary proceedings against any  
14 erring Senior Advocate of Nigeria.

15 ITEM B - Legal Practitioners Remuneration Committee

16 1. There shall be the Legal Practitioners Remuneration Committee  
17 which shall consist of:

- 18 (i) Attorney-General of the Federation as Chairman,  
19 (ii) 6 (Six) States Attorneys-General,  
20 (iii) NBA Presidents (Past and Present),  
21 (iv) 6 (Six) NBA members nominated by the NBA National Executive  
22 Committee.

23 2. Quorum for Remuneration Committee proceedings shall be the  
24 Chairman and 8 members-

25 (a) The Committee shall have power to make orders regulating  
26 generally the charges of legal practitioners and, without prejudice to the  
27 generality of that power, any such order may include provision as to all or any  
28 of the following matters, that is to say-

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

1                   (ii) The ascertainment of the charges appropriate for any  
2                   transaction or activity by reference to such consideration as may be so  
3                   specified;

4                   (iii) The taking by practitioners of security for the payment of their  
5                   charges and the allowance of interest with respect to the security; and

6                   (iv) Agreements between practitioners and clients with respect to  
7                   charges.

8                   (b) Until the first order made in pursuance of this section comes  
9                   into force, nothing in this section shall be construed as affecting the law in  
10                  force in any part of Nigeria with respect to the remuneration of Legal  
11                  Practitioners.

12                  3.-(a) Subject to the provisions of this Act, a Legal Practitioner  
13                  shall be entitled to recover his charges by action in any Court of competent  
14                  jurisdiction;

15                  (b) Subject as aforesaid, a legal practitioner shall not be entitled to  
16                  begin an action to recover his charges unless-

17                   (i) a bill for the charges containing particulars of the principal  
18                   items included in the bill and signed by him, or in the case of a firm, by one of  
19                   the partners or in the name of the firm, has been served on the client  
20                   personally or left for him at his last address as known to the Practitioner or  
21                   sent by post addressed to the client at that address; and

22                   (ii) the period of 30 days beginning with the date of delivery of the  
23                   bill has expired.

24                   (c) In any case in which a Legal Practitioner satisfies the court, on  
25                   an application made *ex parte* or if the court so directs after giving the  
26                   prescribed notice-

27                   (i) that he has delivered a bill of charges to a client;

28                   (ii) that on the face of it the charges appear to be proper in the  
29                   circumstances; and

30                   (iii) that there are circumstances indicating that the client is about

1 to do some act which would probably prevent or delay the payment to the  
2 Practitioner of the charges, the court may direct that the Practitioner be  
3 authorized to bring and prosecute an action to recover the charges unless the  
4 client gives such security for the payment of the charges as may be specified in  
5 the direction.

6 (d) The Court may, if it thinks fit, on the application of the client-

7 (i) order a Legal Practitioner to deliver his bill of charges to the client;

8 (ii) make an order for the delivery up of, or otherwise in relation to,  
9 any documents in the control of the Practitioner which belong to or were  
10 received by him from or on behalf of the client, and without prejudice to the  
11 generality of the powers of the Court to punish for contempt or to the provisions  
12 of this Act relating to the discipline of Legal Practitioners, the court may punish  
13 for contempt any practitioner who refuses or fails to comply with an order  
14 under this subsection.

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

21 ITEM C - Clients' Accounts:

22 1.-(a) Subject to paragraph (d) of this Item, the Bar Council may from  
23 time to time as the Council considers expedient, make rules-

24 (i) As to the opening and keeping by Legal Practitioners of accounts at  
25 banks for clients' moneys; and

26 (ii) As to the keeping by Legal Practitioners of records containing  
27 particulars and information as to moneys received, held or paid by them for or  
28 on account of their client; and

29 (iii) As to the opening and keeping by a legal practitioner who is the  
30 sole trustee, or who is a co-trustee only with one or more of his partners, clerks

1 or servants, of an account at a bank for moneys of any trust of which he is the  
2 sole trustee or such a co-trustee as aforesaid; and

3 (iv) As to the keeping by such a practitioner as is mentioned in  
4 paragraph (c) of this subsection, of records containing particulars and  
5 information as to moneys received, held or paid by him for or on account of  
6 any such trust as is so mentioned; and

7 (v) Empowering the Bar Council to take such action as it thinks  
8 necessary to enable it to ascertain whether the rules are being complied with.

9 (b) Rules made under paragraph (a) of this section shall not come  
10 into force until they are approved by order of the Attorney-General, either  
11 without modification or with such modifications as he thinks fit; but before  
12 approving any such rules with modifications the Attorney-General shall  
13 afford the Bar Council an opportunity of making representations with  
14 respect to the proposed modifications and shall consider any representations  
15 made in pursuance of this subsection;

16 (c) If it appears to the Attorney-General that any rules should be  
17 made, revoked or altered in exercise of the powers conferred on the Bar  
18 Council by this section, he shall make a recommendation in that behalf to the  
19 Bar Council; and if within the period of six months beginning with the date  
20 of the recommendation the Council has not acted in accordance with the  
21 recommendation, the Attorney-General may, within the period of twelve  
22 months beginning with that date, make rules giving effect to the  
23 recommendation;

24 (d) Rules under this section shall not require the keeping of account  
25 or records-

26 (i) by a Legal Practitioner in respect of moneys received, held or  
27 paid by him as a member of the public service of the Federation or a State; or

28 (ii) in such other circumstances as may be specified by the rules.

29 (e) For the purposes of this section, "trustee" includes personal  
30 representatives, and in relation to a personal representative any reference to

1 a trust shall be construed as a reference to the deceased's estate.

2 2.-(a) A bank at which a Legal Practitioner keeps an account for  
3 clients' moneys shall not, in respect of any liability of the practitioner to the  
4 bank which does not arise in connection with that account, have or obtain any  
5 recourse or right, whether by way of set-off, counter-claim, charge or  
6 otherwise, against moneys standing to the credit of that account;

7 (b) A bank shall not, in connection with any transaction in respect of  
8 an account of a Legal Practitioner kept for clients' moneys with that or with any  
9 other bank (other than an account kept by him as trustee for a specified  
10 beneficiary) incur any liability, or be under any obligation to make any inquiry,  
11 or be deemed to have any knowledge of any right of any person to any money  
12 paid or credited to the account, which it would not incur or be deemed to have in  
13 the case of an account kept by a person entitled absolutely to all the money paid  
14 or credited to the account;

15 (c) The Body of Benchers shall have powers to issue and enforce  
16 guidelines with respect to the operation of Client Account.

17 ITEM D - Unauthorized Practice of Law:

18 1. A person commits an offence punishable with a minimum of 3  
19 (Three) years imprisonment or a fine of N5,000,000 (Five Million Naira) or  
20 both if; not being a Legal Practitioner, he does any of the following:

21 (a) practices law, or offers himself out as practicing law;

22 (b) assumes, takes or uses (in the context of law business) the title of  
23 legal practitioner, or any addition, appellation, appendage, description, label,  
24 name, prefix, or suffix implying or suggesting that he is a legal practitioner;

25 (c) pretends to be a legal practitioner, or that he is qualified or  
26 recognized to act as a Legal Practitioner;

27 (d) does anything, or makes any omission, with the intention of  
28 implying that he is a Legal Practitioner; or

29 (e) prepares for, or in expectation of reward or consideration, any  
30 document or instrument relating to movable or immovable property, goods or

1 services, probate or letters of administration, or court proceedings.

2 2.-(a) Subject to the provisions of this Item, if any, person other  
3 than a Legal Practitioner-

4 (i) Practices, or holds himself out to practice, as a Legal  
5 Practitioner;

6 (ii) Takes or uses the title of Legal Practitioner;

7 (iii) Willfully takes or uses any name, title, addition or description  
8 falsely implying or otherwise pretends, that he is a legal practitioner or is  
9 qualified or recognized by law to act as a legal practitioner; or

10 (iv) Prepares in expectation of reward any instrument relating to  
11 immovable property, or relating to or with a view to the grant of probate or  
12 letters of administration, or relating to or with a view to proceedings in any  
13 court of record in Nigeria,

14 shall be guilty of an offence and liable, in the case of an offence under  
15 paragraph 2 (i) of this Item or a second or subsequent offence under  
16 paragraph 2(iv) of this Item, to a fine of an amount not less than N5, 000, 000  
17 (Five Million Naira) or imprisonment for a term not less than 3 (Three) years  
18 or both.

19 (b) Nothing in paragraph 1 of this Item shall prevent a person from  
20 being dealt with for contempt of court, but no proceedings for an offence  
21 under this section shall be brought or continued against a person in respect of  
22 any act if he has been dealt with for contempt of Court in respect of that act;

23 (c) Nothing in paragraph 2(iv) of this Item shall be construed as  
24 making it an offence for any person to prepare an instrument-

25 (i) In the course of his activities as a pupil of a Legal Practitioner;

26 (ii) Relating only to property in which he has or claims an interest  
27 (including an interest as a personal representative or as a person entitled to  
28 any part of the estate of a deceased person);

29 (iii) Relating only to proceedings to which he is a party, or prepared  
30 with a view to proceedings to which he may be a party;

1 (iv) For the purpose of only recording information or expert opinion  
2 intended for use in, or with a view to, any proceeding;

3 (v) Which is, or is intended to be, a will or other testamentary  
4 instrument;

5 (vi) Of such a class or description as the Attorney- General may by  
6 order determine.

7 (d) Where an offence under this Act which has been committed by a  
8 body corporate is proved to have been committed with the consent or  
9 connivance of, or to be attributable to any neglect on the part of any Legal  
10 Practitioner, director, manager, secretary or other similar officer of the body  
11 corporate, he, as well as the body corporate shall be deemed to be guilty of that  
12 offence and shall be liable to be proceeded against and punished accordingly;

13 (e) It is hereby declared that any agreement to transfer, either directly  
14 or indirectly, any money or thing in consideration of any act which constitutes  
15 an offence under this section is void; and any money or thing so transferred, or  
16 the value of the thing, shall be recoverable by the transferor from the transferee  
17 or from any other person by whom the offence was committed, whether or not  
18 any proceedings have been brought in respect of the offence or the time for  
19 bringing such proceedings has expired.

20 3. Any agreement to transfer; either directly or indirectly, any money  
21 or thing in consideration of any act which constitutes an offence under this Item  
22 of this schedule is void; and any money or thing so transferred, or the value of  
23 the thing, is recoverable by the transferor from the transferee or from any other  
24 person by whom the offence was committed, whether or not any proceedings  
25 have been brought in respect of the offence or the time for bringing proceedings  
26 has expired.

27 4. Any document or instrument prepared contrary to paragraph 1 of  
28 this Item is void.

## EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Legal Practitioners Act Cap L11, Laws of the Federation Of Nigeria, 2004 and Re-enact the Legal Practitioners Act to provide for reforms and regulate the Legal Profession.