

LEGAL PRACTITIONERS (REPEAL, ETC) BILL, 2020

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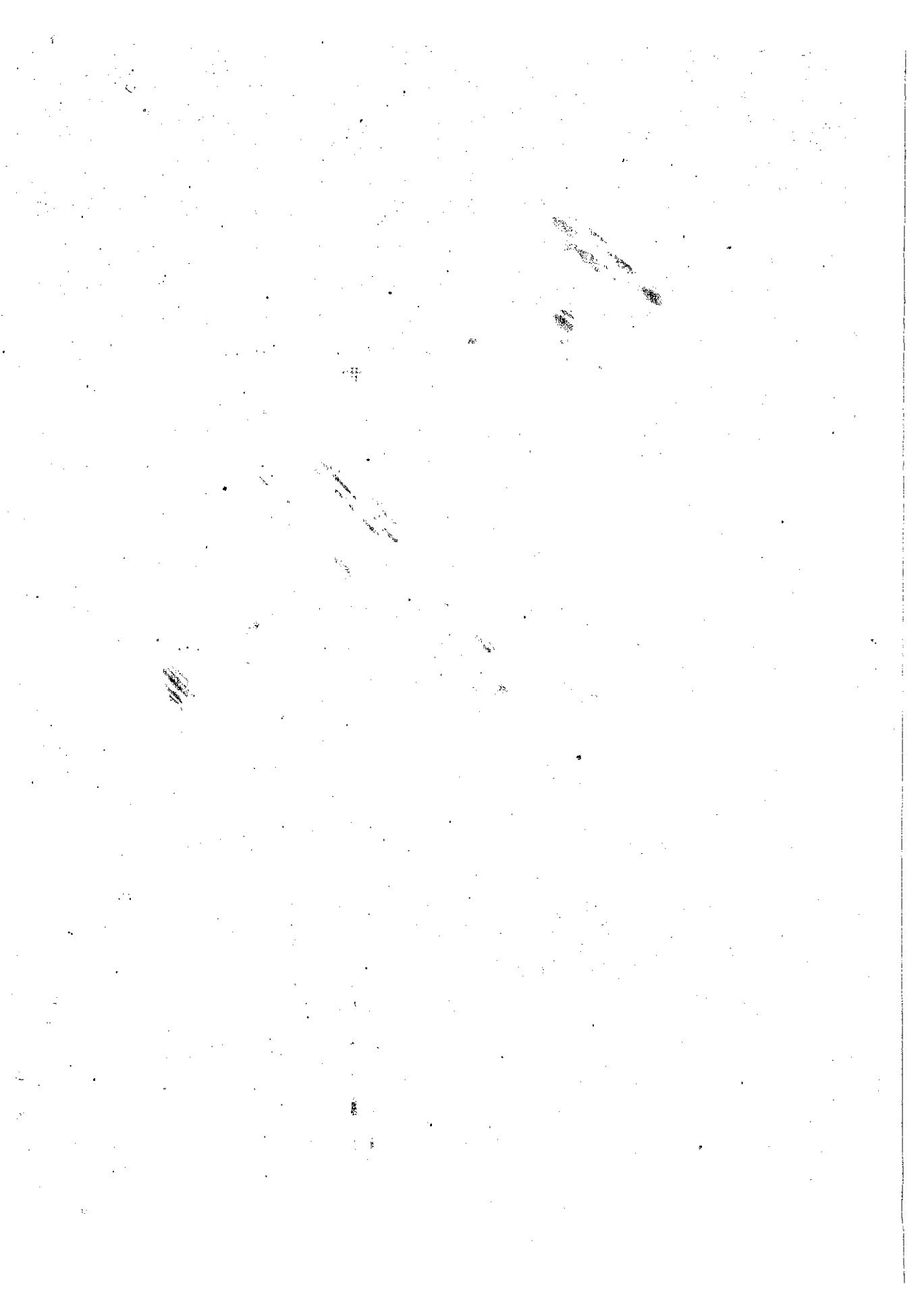
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A BILL

FOR

AN ACT TO REPEAL THE LEGAL PRACTITIONERS ACT, CAP L11, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE LEGAL PRACTITIONERS ACT TO REGULATE THE LEGAL PROFESSION AND FOR RELATED MATTERS

Sponsored by Hon Lynda Chuba Ikpeazu

[] Commencement

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

PART I - THE GENERAL COUNCIL OF THE BAR

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

Establishment of the Bar Council

2. The Bar Council shall consists of-

Composition and proceedings of the Council

(a) a chairperson who shall be one of the following-

(i) a retired Justice of the Supreme Court of Nigeria;

(ii) a retired Justice of the of the Court of Appeal; or

(b) the Attorney-General of the Federation,

(c) the Attorneys-General of the States;

(d) the President of the NBA;

(e) 2 past Presidents of the NBA;

(f) the General Secretary of the NBA;

(g) the Director of Institute of Continuing Legal Education;

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

(i) an NBA Branch representative who shall be a legal practitioner

	1	with at least 15 years post call experience nominated by each branch of NBA
	2	subject to approval by the National Executive Committee of the NBA.
Secretary to the Bar Council	3	3. The Bar Council shall appoint one of its members as Secretary.
Tenure of Office	4	4. The chairperson, the 2 past Presidents of the NBA and the NBA
	5	Branch Representatives shall hold office as members of the Bar Council for a
	6	term of 3 years only.
Quorum and standing orders	7	5.-(1) The quorum of the Bar Council shall be 25 members.
	8	(2) The council may make standing orders regulating the procedure of
	9	the council and, subject to the provisions of any such orders, may regulate its
	10	own proceedings; and no proceedings of the council shall be invalidated by any
	11	vacancy in the membership of the council, or by the fact that any person took
	12	part in the proceedings who was not entitled to do so.
	13	(3) The validity of any proceedings of the Bar Council is not vitiated
	14	by any vacancy in its membership or any defect in the appointment of a
	15	member.
Remuneration	16	6. A member of the Bar Council shall not be entitled to remuneration
	17	or compensation for service in that capacity, but the NBA may reimburse him
	18	for reasonable expenses.
Functions of the Bar Council	19	7.-(1) The Bar Council shall make, retain, review or modify rules to
	20	govern conducts of legal practitioners in the legal profession and such rules
	21	may provide for-
	22	(a) maintenance of clients' bank accounts;
	23	(b) recording details of transactions involving clients' funds;
	24	(c) maintenance of trust accounts at banks; where a legal practitioner
	25	is a trustee, whether solely or jointly with any other person;
	26	(d) recording details of transactions involving trust accounts;
	27	(e) professional indemnity insurance; and
	28	(f) issuance of Fidelity Fund Certificates to legal practitioners.
	29	(2) Where-
	30	(a) the term of office of the National Executive Committee of the

1 NBA has expired and it is impossible to elect a new executive for up to 30
2 days;

3 (b) the National Executive Committee of the NBA is unable or
4 unwilling, owing to internal crisis or otherwise, to run or continue to run the
5 affairs of the NBA for up to 30 days; or

6 (c) the National Executive Committee of the NBA, by resolution,
7 invites the Bar Council to take over the management of the NBA;
8 the Bar Council may-

9 (i) take over the management and administration of the NBA;

10 (ii) conduct an inquiry into the causes of any of the conditions
11 listed under this section;

12 (iii) propose and implement solutions to the condition; or

13 (iv) appoint a Caretaker Committee to run the affairs of the NBA
14 for a maximum period of 12 months during which the Caretaker Committee
15 must plan, hold and conclude elections into the National Executive
16 Committee of the NBA; in the case of the condition under subsection (2)(a)
17 of this section,

18 PART II - PRACTICE AS A LEGAL PRACTITIONER

19 8. A person is entitled to practice as a legal practitioner only if his
20 name is on the Roll of Legal Practitioners kept at the Supreme Court of
21 Nigeria and he has met all the conditions for practice set out in this Act and in
22 any rules made pursuant to the provisions of this Act.

Entitlement to
practice as a legal
practitioner

23 9. A candidate shall be eligible to be called to the Bar where he
24 satisfies the Body of Benchers that-

Eligibility for
call to the Bar

25 (a) the Council of Legal Education has issued a Qualifying
26 Certificate to him;

27 (b) the candidate is of good character; and

28 (c) the candidate has paid call fees.

29 10.-(1) The Body of Benchers shall issue to every person called to
30 the Bar a Certificate of Call to the Bar.

Certificate of Call
and Enrolment

1 (2) The Chief Registrar of the Supreme Court shall enroll every
2 person who presents to the Chief Registrar a Certificate of Call to the Bar
3 issued to that person.

Rules to allow
practice by foreign
lawyers

4 11.-(1) The Body of Benchers may make rules allowing foreign legal
5 practitioner to practice law in Nigeria.

6 (2) The rules made pursuant to subsection (1) of this section shall
7 contain requirements for both general and special practice by foreign lawyers.

8 (3) In the case of general practice, the rules may require courses and
9 examinations scheduled to be completed in less than 12 months, and in the case
10 of special practice, they may require courses and examinations scheduled to be
11 completed in less than 6 months.

12 (4) A foreign legal practitioner may apply to the Attorney - General
13 for permission to practice law in Nigeria, stating in his application whether he
14 wishes to conduct a general or special practice.

15 (5) The Attorney-General may issue a certificate or warrant on the
16 type of application made if he is satisfied that the foreign legal practitioner
17 satisfies the condition set out in the rules.

18 (6) Where the application is on special practice, the Attorney-General
19 may specify the particular proceedings or transactions in respect of which or
20 the period during which the foreign legal practitioner may practice in Nigeria.

21 (7) The Attorney-General's certificate or warrant shall be a sufficient
22 authorisation for the foreign lawyer to practice to the extent set out in the
23 certificate or warrant.

24 (8) The Rules and provisions on qualifying certificates, Certificates
25 of Call to the Bar, practicing fees, practicing licenses, professional indemnity
26 insurance, Fidelity Fund Certificate and requirements for enrolment at the
27 Supreme Court of Nigeria shall not apply to a foreign legal practitioner who
28 holds Attorney-General's certificate or warrant referred to under subsection (5)
29 of this section, except as may be required in the foreign legal practitioners
30 application process or in any rule made by the Body of Benchers applicable to

1 foreign legal practitioner who hold the Attorney-General's certificate or
2 warrant to practice in Nigeria.

3 12.-(1) A Legal Practitioner in the public service of the Federation
4 may engage in private practice either on Pro bono basis or for remuneration.

Private practice
by Legal Practitioners
in the Public Service
of the Federation

5 (2) Notwithstanding the provisions of subsection (1) of this
6 section, a legal practitioner in the public service of the Federation shall not
7 engage in private practice where such practice shall be in conflict with his
8 duties in the Public Service.

9 PART III - PRACTICING LICENCE AND FEES

10 13.-(1) The Bar Council shall issue Practising Licence to a
11 deserving legal practitioner who-

Practising Licence

12 (a) has obtained the minimum Mandatory Continuing Legal
13 Education (MCLE) credits;

14 (b) has paid his practicing fees to date;

15 (c) maintains a current, professional indemnity insurance; and

16 (d) possesses a Fidelity Fund Certificate.

17 (2) A Legal Practitioner in the public service of the Federation
18 including legal practitioners who are members of any national or state
19 legislative house are exempted from the provisions of subsection (1) (a) of
20 this section.

21 (3) A legal practitioner shall not offer or provide legal services
22 unless he possesses a valid Practising Licence.

23 (4) The Bar Council shall make rules stipulating the criteria for the
24 issuance and renewal of Practising Licences.

25 (5) A legal practitioner who offers or provides legal services
26 without a valid Practising Licence commits an offence and shall be liable on
27 conviction to imprisonment for a term of not less than 6 months or to a fine of
28 not less than N500,000 or to both fine and imprisonment.

29 (6) Under this section, "legal services" include-

30 (a) appearing or presenting oneself in the capacity of a legal

1 practitioner before any court or tribunal, or in any proceeding (whether
2 judicial, administrative or arbitral);

3 (b) holding oneself out as a legal practitioner; or

4 (c) using the appellation, stile or title of advocate, attorney, barrister,
5 lawyer, legal adviser, legal practitioner or solicitor in connection with law
6 business or legal practice.

Practicing fees

7 14. The Bar Council shall fix and review Practicing fees and the NBA
8 shall ensure its implementation.

Stamp and Seal

9 15.-(1) The NBA shall issue a Seal and Stamp to every legal
10 practitioner.

11 (2) When a legal practitioner, acting in that capacity, endorses any
12 document or instrument which purports to affect the benefits, duties, estates,
13 immunities, interests, liabilities, privileges, rights or titles of any person, the
14 legal practitioner shall authenticate the document or instrument by affixing his
15 Seal or Stamp on it.

16 (3) The documents and instruments referred to under subsection (2) of
17 this section include-

18 (i) agreements;

19 (ii) assignments;

20 (iii) charter parties;

21 (iv) contracts;

22 (v) bonds;

23 (vi) deeds;

24 (vii) leases;

25 (viii) mortgages;

26 (ix) powers of attorney;

27 (x) tenancy agreements, and

28 (xi) wills.

1 PART I - PRIVILEGES OF BENCHERS, LAW OFFICERS AND SENIOR

2 ADVOCATES OF NIGERIA

3 16. A court of law shall grant the Attorney-General of the
4 Federation, the Solicitor-General of the Federation, Attorneys-General of
5 States, Solicitors-General of States, Benchers and Senior Advocates of
6 Nigeria the privilege to-

Inner Bar and
docket priority

7 (a) sit in the inner bar or front row of the seats available for legal
8 practitioners in courts of law; and

9 (b) mention their cases out of turn; without prejudice to the priority
10 of criminal and human rights cases.

11 17.-(1) Except for services offered or provided pro bono, no legal
12 practitioner may by contract exclude or limit his liability for professional
13 negligence and any provision purporting to afford such exclusion or
14 limitation of liability is void.

Legal malpractice

15 (2) A person who is not a legal practitioner shall not institute a legal
16 action in any court of law for the purpose of recovering any fee or other
17 considerations whatsoever payable in respect of legal services rendered,
18 facilities or things supplied by him when purporting to act as a legal
19 practitioner.

20 PART V - BODY OF BENCHERS

21 18.-(1) There shall be a body of legal practitioners of the highest
22 distinction in the legal profession in Nigeria to be known as "the Body of
23 Benchers".

Establishment,
functions and
composition of
the Body of
Benchers

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

26 (3) The Body of Benchers shall be responsible for the-

27 (a) formal call to the Bar of persons seeking to become legal
28 practitioners,

29 (b) maintenance of the noble ideals of the legal profession; and

30 (c) discipline among legal practitioners and law students.

- 1 (4) The Body of Benchers shall consist of-
- 2 (a) Chief Justice of Nigeria;
- 3 (b) Past Chief Justices of Nigeria;
- 4 (c) Justices of the Supreme Court;
- 5 (d) President of the Court of Appeal;
- 6 (e) Presiding Justices of Divisions of the Court of Appeal;
- 7 (f) Attorney-General of the Federation;
- 8 (g) Chief Judge of the Federal High Court;
- 9 (h) Chief Judge of the High Court of the Federal Capital Territory,
- 10 Abuja;
- 11 (i) Chief Judges of the High Courts of the States;
- 12 (j) Chairperson of the Council of Legal Education;
- 13 (k) President of the NBA;
- 14 (l) 60 active NBA members, five of whom shall be eminent
- 15 Professors of Law, each with a minimum of 15 years' post-call experience,
- 16 nominated by the National Executive Committee of the NBA,
- 17 (m) Director-General of the Nigerian Law School;
- 18 (n) Director-General of the Nigerian Institute of Advanced Legal
- 19 Studies; and
- 20 (o) Director of the Institute of Continuing Legal Education
- 21 (5) The validity of any proceedings of the Body of Benchers is not
- 22 vitiated by any vacancy in its membership or any defect in the appointment of a
- 23 member.
- 24 **19.-(1) Any member of the Body of Benchers whose membership is**
- 25 **by virtue of office ceases to be a Bencher immediately he leaves the office**
- 26 **entitling him to membership of the Body of Benchers.**
- 27 (2) Other Benchers shall remain in office for 3 years in the first
- 28 instance, but may be reappointed for another term of 3 years and no more.
- 29 (3) Present and past Chief Justices of Nigeria are Life Benchers.
- 30 (4) A Bencher who serves in the Body of Benchers consistently,

Tenure of office

1 conscientiously and meritoriously for 5 consecutive years becomes eligible
2 to be appointed a Life Bencher.

3 20. The Benchers may make rules providing, among other items, Power to make
4 for the- rules

5 (a) appointment of a chairperson and other officers and for
6 succession to the offices;

7 (b) conferment of life membership on deserving Benchers;

8 (c) removal of Benchers for misconduct;

9 (d) convening of meetings;

10 (d) discipline of legal practitioners and law students;

11 (e) tenures and quorums of Legal Practitioners' Disciplinary
12 Committees;

13 (f) appointment of Honorary Benchers from other jurisdictions;

14 and

15 (g) composition and quorums for specific assignments.

16 21. The quorum of the Body of Benchers for general business is 30 Quorum
17 members.

18 PART VI - LEGAL PRACTITIONERS' DISCIPLINARY COMMITTEES

19 22.-(1) The Body of Benchers shall establish a Legal Practitioners'
20 Disciplinary Committees(here -in-after referred to as the Disciplinary Establishment
21 Committee) charged with the responsibility of dealing with allegations of and composition
22 professional misconduct against legal practitioners.

23 (2) A Disciplinary Committee consists of the following members-

24 (a) a chairperson who shall be-

25 (i) a Life Bencher,

26 (ii) a legal practitioner with at least 20 years' post-call experience,

27 (iii) a Justice of the Court of Appeal, or

28 (iv) a Chief Judge of a state, FCT or Federal High Court;

29 (b) a serving or retired High Court Judge;

30 (c) a State Attorney-General; and

1 (d) 4 active members of the NBA with at least 15 years post-call
2 experience.

3 (3) A member of the Disciplinary Committee shall be entitled to
4 reimbursement by the NBA for reasonable expenses.

Sanctions

5 23.-(1) In the event of any of the situations outlined in subsection (2)
6 of this section, a Disciplinary Committee may impose any of the sanctions
7 stipulated in subsection(3), but must impose the sanction of striking off the roll
8 in the case of subsection (2)(c) {legal practitioner fraudulently enrolled}.

9 (2) The situations referred to under subsection (1) of this section
10 include where-

11 (a) the Legal Practitioners' Disciplinary Committee has found a legal
12 practitioner guilty of professional misconduct;

13 (b) a legal practitioner has been convicted of a felony, or any crime
14 deemed by the Legal Practitioners' Disciplinary Committee to be incompatible
15 with the status of a legal practitioner, and no appeal against the conviction is
16 pending;

17 (c) the Legal Practitioners' Disciplinary Committee is satisfied that
18 any legal practitioner as been fraudulently enrolled; or

19 (d) a legal practitioner has violated any provision of this Act or any
20 rule of professional conduct.

21 (3) The sanctions referred to under subsection (1) of this section are-

22 (a) directing the Registrar of the Supreme Court to strike the erring
23 legal practitioner's name off the Roll of Legal Practitioners;

24 (b) order the erring legal practitioner to suspend law practice for a
25 stated period or until a specified event;

26 (c) order the erring legal practitioner to make full restitution to the
27 affected or aggrieved parties; in the case of fraud, corrupt or unjust enrichment,
28 diversion of funds, or withholding of property, materials or documents;

29 (d) order the erring legal practitioner to compensate aggrieved parties
30 in cash or kind or in the manner set out in the order; in appropriate cases;

1 (e) order the erring legal practitioner to apologise to the aggrieved
2 parties or to the NBA in the form or manner stipulated in the order;

3 (f) sternly warn or admonish the erring legal practitioner to cease
4 from the errant conduct.

5 (4) In the case of striking off of name from the roll, the Disciplinary
6 Committee shall-

7 (a) submit a report of its findings to the Body of Benchers and
8 serve a copy of the report on the errant legal practitioner within 24 hours
9 after it is submitted to the Body of Benchers, and

10 (b) serve a copy of the direction to strike off on the errant legal
11 practitioner within 24 hours after it is issued to the Registrar.

12 (5) In the case of any of the sanctions except admonishment, the
13 legal practitioner may appeal to the Court of Appeal within 28 days of notice
14 of the sanction and the sanction cannot take effect, during the pendency of an
15 appeal.

16 (6) Where the sanction is restitution and the legal practitioner fails
17 to comply with the order or direction; the funds, property, materials or
18 documents shall become recoverable under the Sheriffs and Civil Process
19 Act.

20 24. Where it appears to the Supreme Court that a legal practitioner
21 has been guilty of professional misconduct with reference to any
22 proceedings concluded or pending before the Supreme Court or any other
23 court, the Supreme Court may, after hearing representations or receiving
24 evidence on behalf of or against the legal practitioner, impose any of the
25 sanctions provided in section 23 of this Act, and the sanction shall take
26 immediate effect.

27 25. A legal practitioner whose name has been struck off the roll or
28 who has been suspended prior to concluded disciplinary proceedings with
29 respect to which no further appeal is available, may apply to the Supreme
30 Court for his name to be restored on the roll or for his suspension to be lifted.

Disciplinary
jurisdiction of
the Supreme
Court

Application for
the restoration
of name on the
roll or for lifting
of suspension

1 PART VII - THE NIGERIAN BAR ASSOCIATION

Establishment
of the NBA

2 26.-(1) The NBA shall is the umbrella professional association of
3 legal practitioners in Nigeria, with perpetual succession and a common seal,
4 able to sue and be sued in its name.

5 (2) The NBA shall be managed as set out in its Constitution.

Functions of
the NBA

6 27. The functions of the NBA include-

7 (a) maintaining high standards of professional chivalry, comradeship,
8 conduct, courtesy, decorum, discipline, ethics and etiquette among its
9 members;

10 (b) maintaining and defending the integrity and independence of the
11 Bar and the Judiciary;

12 (c) upholding the Rule of Law;

13 (d) improving justice administration, legal aid and access to justice;

14 (e) advancing legal education, continuing legal education and
15 continuing professional development for legal practitioners and law students;

16 (f) promoting the welfare and advancement of its members; and

17 (g) training and licensing paralegals.

18 PART VIII - INSTITUTE OF CONTINUING LEGAL EDUCATION

Establishment
of the Institute
of Continuing
Legal Education

19 28. The NBA shall set up an Institute of Continuing Legal Education
20 (in this Act referred to as "the institute" as its educational, training and
21 continuing professional development organ.

Governing Board
of the Institute

22 29. There is established for the Institute is a Governing Board which
23 shall comprising of the following members-

24 (a) a chairperson who must be an active member of the NBA with at
25 least 20 years' post call experience, appointed by the National Executive
26 Committee of the NBA;

27 (b) the NBA President;

28 (c) the General - Secretary of the NBA;

29 (d) 6 active NBA members, each with at least 15 years' post-call
30 experience in legal education or legal practice or a combination of both types of

1 experience, appointed by the National Executive Committee of the NBA,
2 and

3 (e) the Director of the Institute, who shall be the Secretary to the
4 Board.

5 .30.-(1) The Board shall-

Functions and
Powers of the
Board

6 (a) set and implement the curricula, examinations, fees,
7 guidelines, rules, syllabi and tests for the Mandatory Continuing Legal
8 Education (MCLE) Scheme;

9 (b) be responsible for the accreditation of-

10 (i) Continuing Legal Education course and training providers, and

11 (ii) Continuing Legal Education courses and programs;

12 (c) assign credit values to courses and training programs, whether
13 offered by the Institute or by outside providers; and

14 (d) submit Annual Reports to the NBA containing-

15 (i) an evaluation of the effectiveness of the MCLE Rules, and the
16 quality, deficiencies and needs of the MCLE courses;

17 (ii) recommendations for improving or modifying the MCLE
18 Rules or their implementation;

19 (iii) a financial report for the previous fiscal year;

20 (iv) recommendations and projections for the new fiscal year; and

21 (v) an independent audit of MCLE funds

22 (2) The Board may make rules to govern its own proceedings.

23 (3) The Board shall appoint a Director for the Institute and may hire
24 other staff for the Institute subject to the approval of the National Executive
25 Committee of the NBA.

26 (4) The Board may acquire or lease accommodation, and may
27 acquire and install equipment, facilities, fittings, fixtures, furniture, services
28 and utilities at the accommodation, to enable the Institute operate
29 maximally.

Tenure of office

1 31.-(1) A member of the Board, other than the ex-officio members,
2 shall hold office for a term of three years in the first instance and may be
3 reappointed for another term of three years and no more.

4 (2) Where a vacancy occurs on the Board, the National Executive
5 Committee of the NBA may fill it by appointing a suitably qualified active
6 NBA member to serve for the remainder of the unexpired term.

Cessation of office

7 32.-(1) Notwithstanding the provisions of section 31 of this Act, a
8 member of the Board shall cease to hold office if-

9 (a) he resigns his appointment as a member of the Board by a notice
10 under his hand, addressed to the President NBA;

11 (b) his term of office expires;

12 (c) he dies;

13 (d) he becomes of unsound mind;

14 (e) he becomes bankrupt or makes a compromise with his creditors;

15 (f) he is convicted of a felony or of any offence involving dishonesty
16 or corruption;

17 (g) he becomes incapable of carrying out the functions of his office
18 either arising from an infirmity of mind or body;

19 (h) in the case of an ex - officio member, he ceases to hold the office
20 on the basis of which he became a member of the Board; or

21 (i) the name of the member delisted from the Roll.

Quorum

22 33. The quorum for Board proceedings shall be six members.

Emoluments

23 34. The Chairman and other members of the Board shall be paid such
24 emoluments, allowances and incidental expenses as may be determined by the
25 National Executive Committee of the NBA.

26 PART IX - LEGAL PRACTITIONERS PRIVILEGES COMMITTEE

Establishment of the Legal Practitioners Privileges Committee

27 35.-(1) There is established a Committee to be known as the Legal
28 Practitioners Privileges Committee (in this Act referred to as "the Privileges
29 Committee") which shall consist of-

30 (a) the Chief Justice of Nigeria who shall be the chairperson;

1 (b) the Justice of the Supreme Court next in seniority to the Chief
2 Justice of the Nigeria;

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

4 (d) the Attorney-General of the Federation;

5 (e) the President of the NBA;

6 (f) 2 past Presidents of the NBA;

7 (g) the Chief Judge of the Federal High Court;

8 (h) 6 Chief Judges of the High Courts of States selected by the
9 Chief Justice of Nigeria in rotation from among states constituting each of
10 the six geopolitical zones; and

11 (i) 12 Senior Advocates of Nigeria who shall be active members of
12 the NBA, among whom must be at least two eminent academics to be
13 nominated by the National Executive Committee of the NBA.

14 (2) The Privileges Committee shall make rules on the criteria for
15 conferment of the rank of Senior Advocates of Nigeria, stipulating clear
16 conditions for withdrawal of the rank of Senior Advocates of Nigeria and
17 those conditions must stipulate prior disciplinary proceedings against any
18 erring Senior Advocate of Nigeria.

19 (3) The Privileges Committee may act, proceed or function
20 notwithstanding any vacancies in its membership.

21 36.-(1) A members of the Privileges Committee appointed under
22 section 35(1) (h) and (i), shall hold office for a term of two years in the first
23 instance and may be reappointed for another term of two years and no more.

Tenure of Office
and Quorum

24 (2) The Quorum of the Privileges Committee shall be ten
25 Members.

26 37.-(1) The Privileges Committee may by instrument confer on
27 any deserving legal practitioner the honour, rank, status and title of Senior
28 Advocate of Nigeria.

Eligibility and
conferment of the
rank of Senior
Advocate of Nigeria

29 (2) A person shall not be conferred with the rank of Senior
30 Advocate of Nigeria unless-

1 (a) he is a legal practitioner of proven integrity with at least 15years'
2 post call experience in legal practice or legal education or a combination of
3 both types of experience,

4 (b) has achieved distinction in the legal profession, and

5 (c) has in the preceding 5 years been-

6 (i) an active member of the NBA, and

7 (I) a regular provider of pro bono legal services or training.

8 (3) The Privileges Committee shall submit the names of all candidates
9 for the conferment of the rank of Senior Advocate of Nigeria to the irrespective
10 NBA Branches and the NBA President for vetting before conferment.

11 PART X - LEGAL PRACTITIONERS REMUNERATION COMMITTEE

Establishment
and composition

12 38. There is established a Committee to be known as the Legal
13 Practitioners Remuneration Committee (in this Act referred to as "the
14 Remuneration Committee") which shall consist of-

15 (i) a Life Bencher as chairperson,

16 (ii) all past NBA Presidents,

17 (iii) the NBA President, and

18 (iv) 20 active NBA members nominated by the NBA National
19 Executive Committee of the NBA.

Quorum

20 39. The quorum of the Remuneration Committee for its proceedings
21 shall be ten members.

Regulation of
Remunerations
in the legal
profession

22 40.-(1) The Remuneration Committee may make orders to regulate
23 professional fees and salaries of legal practitioners in respect of agreements
24 with clients or colleagues, allowances, amounts, basis, billing, calculation,
25 charges, charging, compensation, contingencies, interests, manner, maxima,
26 minima, percentages, securities and sharing.

27 (2) An order under subsection (1) of this section shall not take effect
28 unless-

29 (a) a copy of the proposed order has been served on the President of
30 the NBA; and

(b) endorsed by the National Executive Committee of the NBA.

41.-(1) A legal practitioner may take an action in a court of competent jurisdiction to recover his professional charges if he has a written fee agreement with the client or has served on the client a bill of professional charges.

Recovery of professional charges

(2) In the case of a fee agreement, the legal practitioner shall not file an action until one month after he has served on the client a written demand for his fees.

(3) In the case of a bill of professional charges, the legal practitioner shall not file an action until one month after he has served the bill on the client.

42.-(1) Where a legal practitioner satisfies the court by an application made ex parte that his debtor client may take steps to frustrate, impede, prevent or unduly delay payment of his professional charges, the court may, notwithstanding that the period specified under section 41 of this Act has not expired, direct that the legal practitioner bring an action to recover the fees unless the client gives satisfactory security for the payment or settlement of the professional charges.

Prevention of undue delay in the payment of fees

(2) The court may, on a client's application, order a legal practitioner to serve his bill of professional charges on the client or deliver to the client any of the client's documents, funds or materials in the possession or control of the legal practitioner, whether received from the client or received or recovered on his behalf.

43. Where any person receives consideration above a legal practitioner's statutory minimum charges for any service rendered by the legal practitioner, the person who paid the consideration may recover the excess from that person or from the legal practitioner.

Recovery of money paid in excess of consideration

44.-(1) Where the client does not give security for settlement under subsection (1) of section 42, he may apply to the court, within one month after service of the bill of charges on him, to order the bill to be taxed and

Taxation of Charges

1 direct that no action to recover the charges should be entertained until taxation
2 is complete, and the court may order and direct accordingly.

3 (2) The court may, on application after the one-month timetable, order
4 the bill to be taxed and direct that pending its taxation no action to recover the
5 charges should be entertained and that any action already begun should be
6 stayed.

7 (3) An order under this section may be made on terms, but not terms as
8 to the costs of taxation.

9 (4) No order under subsection (2) of this section may be made after 12
10 months from the date the bill was paid.

11 (5) Except in a case where the court determines that there are special
12 reasons for making it, the court may not make an order under section 44 of this
13 Act where 12 months have elapsed since the delivery of the bill or where
14 judgment has been given in an action to recover the charges.

Taxation of a
bill of charges

15 **45.-(1)** The taxation of a bill of charges shall be in accordance with
16 any order in force under section 44 of this Act, but where no order is in force or
17 any taxable item is not dealt with by the order, the charges to be allowed on
18 taxation of the item shall not exceed such as are reasonable having regard to the
19 skill, labour and responsibility involved and to all the circumstances of the
20 case.

21 (2) Where at the time and place appointed under the rules of court for
22 the taxation of a bill, one of the parties appears and any other party does not, the
23 taxing officer may proceed to tax the bill except for special reasons he decides
24 to adjourn to afford an absent party an opportunity to be present, in which case
25 he may determine which party shall pay costs of the adjournment.

26 (3) The taxing officer may refer the taxation of a bill to the court where
27 the circumstances make that appropriate, and the court may either tax the bill
28 itself and notify to the taxing officer the amount to be declared as stated under
29 subsection (4) of this section or refer the taxation back to the taxation officer
30 with its direction on the matter.

1 (4) On the completion of the taxation of a bill, the taxing officer
2 shall immediately declare the amount due in respect of the bill and shall file
3 in the records of the court a certificate signed by him stating that amount;
4 and any party to the taxation may demand and receive an office copy of the
5 certificate free of charge.

6 (5) Where any party to the taxation is dissatisfied with a
7 determination under subsection (1) of this section or the amount stated in a
8 certificate filed under subsection (4) of this section, he may, within 21 days
9 from the date of the determination or filing, appeal to the court.

10 46.-(1) The certificate of the taxing officer in respect of a bill of
11 charges, or where the certificate is varied on appeal the certificate as so
12 varied, shall be conclusive as to the amount of charges payable in respect of
13 the bill; but nothing in this section relieves a legal practitioner of any
14 obligation to prove that a client is liable to pay a bill of charges, or precludes
15 the client from proving that he is not.

Certificate of the
taxing officer

16 (2) Subject to any order made under sections 44 of this Act, the
17 amount stated in a certificate under subsection (1) of this section, the above
18 provisions relating to a bill of costs, or in the certificate as varied on appeal,
19 is less than the amount of the bill before taxation and the difference is equal
20 to one-sixth or more of the amount of the bill before taxation, the costs of the
21 taxation must be paid by the legal practitioner, and in any other case by the
22 client.

23 47.-(1) A bank at which a legal practitioner keeps a clients' account
24 shall not have recourse or right, whether by way of set-off, counter-claim or
25 charge, against any money standing to the credit of that account, except in
26 respect of any liability of the practitioner to the bank arising in connection
27 with that account.

Dealing with
money in a Client's
Account by a Bank

28 (2) A bank shall not, in connection with any transaction in respect
29 of a legal practitioner's clients' account with that or any other bank (other
30 than an account kept by the legal practitioner as trustee for a specified

PART XIII - MISCELLANEOUS

Directives of a
general character

1
2 63. The Attorney-General may issue to any of the Bodies,
3 Committees or Institutions established under this Act, any directive of a
4 general character or relating to particular matter with regard to the exercise by
5 that Body, Committee or Institution of its functions and it shall be the duty of
6 that Body, Committee or Institution to comply with the directive.

Regulations

7 64. The Attorney - General may make orders, rules, guidelines or
8 regulations as are necessary or expedient for the purpose of giving proper effect
9 and efficient implementation of the provisions of this Act.

Repeal and
Savings

10 65.-(1) The Legal Practitioners Act, Cap L 11, Law of the Federation
11 of Nigeria, 2004 is hereby repealed.

12 (2) Without prejudice to the provisions of section 6 of the
13 Interpretation Act, the repeal of the enactment specified in subsection (1) of
14 this section shall not affect anything done or any action taken under or pursuant
15 to the repealed enactment except that such thing done or any action taken shall
16 be construed in accordance with the provisions of this Act.

17 (3) Every regulation, order, requirement, certificate, notice, direction,
18 decision, authorization, consent, application, request or thing made, issued,
19 given or done under the repealed Act shall, if in force at the commencement of
20 this Act, continue to be in force and have effect as if made, issued, given or done
21 under the corresponding provisions of this Act.

22 (4) All assets, funds, resources and other movable and immovable
23 property which, immediately before the commencement of this Act, vested in
24 any of the bodies created under the repealed Act shall by virtue of this Act and
25 without further assurance be vested in the corresponding bodies established
26 under this Act.

Interpretation

27 66. In this Act-
28 "Attorney-General" means Attorney-General of the Federation; "Bar Council"
29 means the General Council of the Bar;

- 1 "Board" means the Governing Board of the Institute of Continuing Legal
2 Education;
- 3 "charges" (in the context of professional billing) include disbursements,
4 expenses, and fees);
- 5 "client" includes any person alleged to be liable to pay a legal practitioner's
6 charges;
- 7 "Fidelity Fund Certificate" means a certificate that a legal practitioner is an
8 up-to-date contributor to the Fund;
- 9 "foreign lawyer" means a person entitled to practice law in a friendly
10 jurisdiction;
- 11 "former Act" means the Legal Practitioners Act, Cap L11, Laws of the
12 Federation of Nigeria, 2004;
- 13 "friendly jurisdiction" means a foreign country which has rules enabling or
14 allowing Nigerian lawyers to practice in that country either without
15 requiring further training or examinations or after training or examinations
16 scheduled to be completed in less than 6 months;
- 17 "functions" includes duties and powers;
- 18 "the Fund" means the Legal Practitioners Fidelity Fund established under
19 this Act;
- 20 "general practice" means such full provision of legal services as a Nigerian
21 legal practitioner may engage in;
- 22 "immovable property" includes unextracted minerals;
- 23 "instrument", in relation to immovable property, means any document
24 which confers, transfers, limits and charges or extinguishes any interest in
25 the property or which purports to do so;
- 26 "Institute" means the NBA's Institute of Continuing Legal Education;
- 27 "legal practitioner" includes a person whose name is on the Roll of Legal
28 Practitioners kept at the Supreme Court of Nigeria, and in the context of
29 professional billing, means a person who was a legal practitioner when he
30 performed the services to which a bill of charges relates;

- 1 "MCLE" means the NBA's Mandatory Continuing Legal Education scheme;
2 "NBA" means Nigerian Bar Association;
3 "pro bono" means without billing, charging, demanding, or expecting fees or
4 any material consideration or reward;
5 "professional misconduct" includes infamous conduct in a professional
6 respect;
7 "the roll" means the roll of legal practitioners maintained under section 52 of
8 this Act;
9 "silk" means the, condition, honour, rank, status and title of Senior Advocate of
10 Nigeria;
11 "Solicitor-General" means the Solicitor-General of the Federation;
12 "special practice" means practice for the purposes of specified proceedings or
13 transactions, or for a stated period; and
14 "theft" means stealing and includes fraudulent conversion or misappropriation.
Short title 15 .67. This Bill may be cited as the Legal Practitioners (Repeal, Etc)
16 Bill, 2020.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Act but is
intended to explain its purport)*

The Bill seeks to provide an effective, unified and comprehensive legal, regulatory and institutional framework for the regulation of the Legal Profession in Nigeria.