

LEGAL PRACTITIONERS ACT.

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An Act to re-enact the Legal Practitioners Act 1962 as amended up to date.

16th May 1975

The General Council of the Bar

1. (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.
- (2) The Bar Council shall consist of-
 - (a) the Attorney-General of the Federation, who shall be the president of the council;
 - (b) the Attorneys-General of the States; and
 - (c) twenty members of the association.
- (3) The persons mentioned in paragraph (c) of subsection (2) of this section shall--
 - (a) be elected to serve on the Bar Council at elections in which all members of the association are entitled to vote in such manner as may be provided by the constitution of the association; and
 - (b) hold office for such period as may be determined by or under that constitution, and not less than seven of those persons shall be legal practitioners of not less than ten years standing.
- (4) The quorum of the Bar Council shall be eight, and the council may make standing orders regulating the procedure of the council and, subject to the provisions of any such orders, may regulate its own proceedings; and no proceedings of the council shall be invalidated by any vacancy in the membership of the council, or by the fact that any person took part in the proceedings who was not entitled to do so.

Practice as a Legal Practitioner

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

- (a) an application under this subsection is made to the Chief Justice by or on behalf of any person appearing to him to be entitled to practise as an advocate in any country where the legal system is similar to that of Nigeria; and
 - (b) the Chief Justice is of the opinion that it is expedient to permit that person to practise as a barrister for the purposes of proceedings described in the application, the Chief Justice may by warrant under his hand authorise that person, on payment to the registrar of such fee not exceeding fifty naira as may be specified in the warrant, to practise as a barrister for the purposes of those proceedings and of any appeal brought in connection with those proceedings.
- (3) A person for the time being exercising the functions of any of the following offices, that is to say--
- (a) the office of the Attorney-General, Solicitor-General or Director of Public Prosecutions of the Federation or of a State;
 - (b) such offices in the civil service of the Federation or of a State as the Attorney-General of the Federation or of the State, as the case may be, may by order specify, shall be entitled to practise as a barrister and solicitor for the purposes of that office.
- (4) A certificate signed by, or by a person authorised either generally or specially in that behalf by, any of the persons mentioned in paragraph (a) of the last foregoing subsection stating that a particular individual is exercising the functions of a particular office shall, without prejudice to any other means of proof, be conclusive proof for the purposes of that subsection that the individual is exercising the functions of that office; and any document purporting to be a certificate under this subsection shall be admitted in evidence and, until the contrary is proved, be deemed to be such a certificate.
- 3. (1)** There shall be a body of legal practitioners of the highest distinction in the legal profession in Nigeria to be known as "the Body of Benchers" which shall be responsible for the formal call to the Bar of persons seeking to become legal practitioners, and which shall consist of the following members, that is-
- (a) the Chief Justice of Nigeria and all the Justices of the Supreme Court;
 - (b) the President of the Court of Appeal;
 - (c) the Attorney-General of the Federation and Minister of Justice;
 - (d) the Presiding Justices of Court of Appeal Divisions;

- (e) the Chief Judge of the Federal High Court;
 - (f) the Chief Judge of the Federal Capital Territory, Abuja;
 - (g) the Chief Judges of the States of the Federation;
 - (h) the Attorneys-General of the States of the Federation;
 - (i) the Chairman of the Council of Legal Education;
 - (j) the President of the Nigerian Bar Association;
 - (k) thirty legal practitioners nominated by the Nigerian Bar Association; and
- (l) such number of persons, not exceeding ten, who appear to the Body of Benchers to be eminent members of the legal profession in Nigeria of not less than 15 years post-call standing.
- (2) The Body of Benchers shall be a body corporate with perpetual succession and a common seal.
- (3) Except as provided under subsection (4) of this section or by regulations made under subsection (5) of this section, a Bencher shall (unless he previously vacates it) vacate his office as a Bencher if he ceases to be the holder of any office by virtue of which he was appointed a Bencher.
- (4) Notwithstanding anything in subsection (3) of this section, the Chief Justice of Nigeria shall hold office as such Bencher for life.
- (5) The Benchers may make regulations-
- (a) providing for an increase in the membership of the Body of Benchers as set out in subsection (l) of this section and the qualifications for and conditions applicable to such membership;
 - (b) providing for the tenure of office of Benchers including the conferment of life membership on any Bencher and the circumstances in which any Bencher may become a super numeracy Bencher;
 - (c) providing for the appointment of persons of distinction in any country as honorary members of the Body of Benchers and the conditions applicable to such appointment;

- (d) providing for the composition and quorum of the Benchers for the purpose of the exercise of any of the functions conferred on the Benchers under this Act and for the determining in connection thereto of any matter which, in the opinion of the Benchers, requires to be determined; and
- (e) providing, either generally or in respect of any particular case, for the discharge of the functions conferred on the Benchers under this Act.
- (6) Any Bencher may in such manner and subject to such procedure as may be prescribed be removed from office for misconduct or on such other ground as the Benchers may, in their discretion, determine to be sufficient.
- (7) The Benchers shall meet at such times and places as may be convenient for them and may, in such manner as they think fit, prescribe the procedure for their meetings.
- (8) Except as may be provided by regulations made under subsection (5) of this section, the quorum of the Benchers shall be ten.
- (9) The validity of any proceedings of the Benchers shall not be affected by any vacancy in the membership of the Benchers or by any defect in the appointment of a member or by any irregularity in the proceedings of any of their meetings.
- (10) For the purpose of this section--
 - (a) "functions" includes powers and duties; and
 - (b) "prescribed" means prescribed by regulations made by the Body of Benchers, and the operation of section 11 (2) of the Interpretation Act (which deals with references in an enactment to acting appointments) is hereby excluded.

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

- (a) he is a citizen of Nigeria; and
 - (b) he produces a qualifying certificate to the Benchers; and
 - (c) he satisfies the Benchers that he is of good character.
- (2) The Council of Legal Education may by regulations provide that the provisions of paragraph (b) of subsection (1) of this section shall not apply in such cases and on such conditions (if any) as may be specified by the regulations.

- (3) The Benchers shall issue to every person called to the Bar pursuant to subsection (1) of this section, a certificate of call to the Bar which shall be in such form as the Benchers may determine.
5. (1) Subject to subsection (2) of this section, the Legal Practitioners' Privileges Committee established under subsection (3) of this section may by instrument confer on a legal practitioner the rank of Senior Advocate of Nigeria.
- (2) A person shall not be conferred with the rank of Senior Advocate of Nigeria unless he has been qualified to practise as a legal practitioner in Nigeria for not less than ten years and has achieved distinction in the legal profession in such manner as the committee may from time to time determine.
- (3) There shall be a committee to be called the Legal Practitioners' Privileges Committee which shall consist of the following--
- (a) the Chief Justice who shall be chairman;
 - (b) the Attorney-General of the Federation;
 - (c) one Justice of the Supreme Court;
 - (d) the President of the Court of Appeal;
 - (e) five of the Chief Judges of the States;
 - (f) the Chief Judge of the Federal High Court; and
 - (g) five legal practitioners who are Senior Advocates of Nigeria.
- (4) The members of the committee under paragraphs (c), (e), and (g) of subsection (3) of this section shall be appointed by the Chief Justice in consultation with the Attorney-General of the Federation.
- (5) Members of the committee under paragraphs (c), (e) and (g) of subsection (3) of this section shall hold office for two years after which they shall be eligible for reappointment for one further term of two years only.
- (6) The Legal Practitioners' Privileges Committee may act notwithstanding any vacancy in its membership.
- (7) The Legal Practitioners' Privileges Committee may, with the approval of the National Council of Ministers, make rules as to the privileges to be accorded to Senior Advocates of Nigeria, as to the functions of a legal practitioner, which are not to be performed by a Senior Advocate of Nigeria, as to the mode of appearance

before courts by a Senior Advocate of Nigeria, and generally, but without prejudice to the foregoing, for ensuring the dignity of the rank of Senior Advocate of Nigeria.

- (8) Until the first rules made in pursuance of subsection (7) of this section come into force, a Senior Advocate of Nigeria shall not be entitled to engage in practice as a member of the legal profession otherwise than as a barrister, but nothing in this subsection shall be construed as precluding a Senior Advocate of Nigeria from entering into, or continuing in partnership with a legal practitioner who is not a Senior Advocate of Nigeria.
6. (1) Notwithstanding any other provision of this Act but subject as provided in section 8 (5) and the First Schedule hereto, all courts of law in Nigeria before which legal practitioners are entitled to appear shall accord to every law officer specified in this section, the following rights and privileges, that is to say-

 - (a) the exclusive right to sit in the inner bar or, where no facilities exist for an inner bar, on the front row of seats available for legal practitioners; and
 - (b) the right to mention any motion in which he is appearing or any other cause or matter which is on the list for mention and not otherwise listed for hearing out of its turn on the cause list.
- (2) The law officers to whom this section applies are the Attorney-General of the Federation, the Attorney-General of any State in the Federation and the Solicitor-General of the Federation.
- (3) The rights and privileges conferred on the law officers by subsection (1) of this section shall also be accorded to any member of the Body of Benchers.
7. (1) Subject to the provisions of this section, a person shall be entitled to have his name enrolled if, and only if-

 - (a) he has been called to the Bar by the Benchers; and
 - (b) he produces a certificate of his call to the Bar to the registrar.
- (2) The Attorney-General may, after consultation with the Bar Council, by regulations provide for the enrolment of the names of persons who are authorised by law to practise as members of the legal profession in any country where, in his opinion, persons whose names are on the roll are afforded special facilities for practising as members of that profession; and, without prejudice to the generality of the power conferred by the foregoing provisions of this subsection, the regulations may-

- (a) require persons seeking enrolment by virtue of the regulations to pass such examinations and to pay such fees as may be specified by or under the regulations;
 - (b) provide for the cancellation of enrolment having effect by virtue of the regulations where, in the opinion of the Attorney-General, the facilities aforesaid are altered or withdrawn.
 - (3) Except in pursuance of a direction given under the following provisions of this Act by the Supreme Court or by the disciplinary committee established under those provisions, a person whose name has been struck off the roll in pursuance of a direction given either before or after the commencement of this Act by that court or in pursuance of a direction of the disciplinary committee shall not be entitled to have his name enrolled again.
8. (1) Subject to the provisions of the next following subsection and of any enactment in force in any part of Nigeria prohibiting or restricting the right of any person to be represented by a legal practitioner in proceedings before the Supreme Court or the Sharia Court of Appeal or any area or customary court, a legal practitioner shall have the right of audience in all courts of law sitting in Nigeria.
- (2) No legal practitioner (other than such a person as is mentioned in subsection (3) of section 2 of this Act) shall be accorded the right of audience in any court in Nigeria in any year, unless he has paid to the registrar in respect of that year, a practising fee-f-
- (a) in the case of a Senior Advocate of Nigeria, of N200;
 - (b) in the case of a person of 15 or more years standing as a legal practitioner at the beginning of that year, not being a Senior Advocate of Nigeria, of N100;
 - (c) in the case of a person of more than 10 but less than 15 years standing as a legal practitioner at the beginning of that year, not being a Senior Advocate of Nigeria, of N75;
 - (d) in the case of a person of more than 5 but not more than 10 years standing as a legal practitioner at the beginning of that year, of N40; and
 - (e) in any other case, of N20.
- (3) The Attorney-General of the Federation may, after consultation with the Bar Council, from time to time vary the various [rates of practising fees](#) specified in subsection (2) of this section.
- (4) The registrar shall-

- (a) issue to every person by whom a practising fee is paid in respect of any year a receipt for the fee in the prescribed form; and
- (b) as soon as reasonably practicable after the end of January in each year and thereafter from time to time during the year as he considers appropriate cause to be printed in the prescribed form and put on sale a list or supplementary list of the legal practitioners by whom practising fees have been paid in respect of that year; and
- (c) pay over to the association as soon as may be after the end of each year a sum equal to nine tenths of the aggregate amount of the practising fees received by him in pursuance of this section during the year, and a receipt purporting to be issued and list purporting to be printed in pursuance of this subsection in respect of any year shall be evidence that the person named in the receipt or, as the case may be, that any person named in the list has paid to the registrar the practising fee in respect of that year.

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

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

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

(3) Nothing in subsection (1) of this section shall affect the application to a legal practitioner of the rule of law exempting barristers from the liability aforesaid in so far as that rule applies to the conduct of proceedings in the face of any court, tribunal or other body.

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

(2) The disciplinary committee shall consist of-

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

- (b) the Attorneys-General of the States in the Federation;
 - (c) twelve legal practitioners of not less than ten years standing appointed by the Benchers on the nomination of the association.
- (3) The provisions of the Second Schedule to this Act shall have effect in relation to the disciplinary committee.

11. (1) Where-

- (a) a person whose name is on the roll is judged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or
- (b) a person whose name is on the roll is convicted, by any court in Nigeria having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the disciplinary committee is incompatible with the status of a legal practitioner; or
- (c) the disciplinary committee is satisfied that the name of any person has been fraudulently enrolled, the disciplinary committee, may, if it thinks fit, give a direction-
 - (i) ordering the registrar to strike that person's name off the roll, or
 - (ii) suspending that person from practice by ordering him not to engage in practice as a legal practitioner for such period as may be specified in the direction, or
 - (iii) admonishing that person,

and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.

- (2) Where a person whose name is on the roll is judged by the disciplinary committee to be guilty of misconduct not amounting to infamous conduct which, in the opinion of the disciplinary committee, is incompatible with the status of a legal practitioner, the disciplinary committee may, if it thinks fit, give such a direction as is authorised by paragraph (c) (ii) or (iii) of subsection (1) of this section; and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing, as the circumstances of the case may require.
- (3) The disciplinary committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsections (1) and (2) of this section until a

subsequent meeting of the committee; but no person shall be a member of the disciplinary committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the committee when the decision was deferred.

- (4) It shall be the duty of the bar council to prepare, and from time to time revise, a statement as to the kind of conduct which the council considers to be infamous conduct in a professional respect, and the registrar shall send to each person whose name is on the roll and whose address is shown in the records of the Supreme Court relating to legal practitioners, by post to that address, a copy of the statement as for the time being revised; but the fact that any matters are not mentioned in such a statement shall not preclude the Supreme Court or the disciplinary committee from adjudging a person to be guilty of infamous conduct in a professional respect by reference to such matters.
- (5) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the disciplinary committee gives a direction under subsection (1) or subsection (2) of this section, the disciplinary committee shall cause notice of the direction to be served on the person to whom it relates.
- (7) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of notice of the direction, appeal against the direction to the Appeal Committee of the Body of Benchers established under section 12 of this Act; and the disciplinary committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the disciplinary committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (8) A direction of the disciplinary committee under subsection (1) or subsection (2) of this section shall take effect-
 - (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

- (9) Where a direction is given under subsection (1) or (2) of this section for the refund of moneys paid or the handing over of documents or any other thing and within twenty-eight days of the date of the direction (or where an appeal is brought, on the dismissal of the appeal) the legal practitioner fails to comply with the direction, the disciplinary committee may deal with the case as one involving misconduct by the legal practitioner in his professional capacity.
12. (1) There shall be a committee to be known as the Appeal Committee of the Body of Benchers (hereafter in this Act referred to as "the appeal committee") which shall be charged with the duty of hearing appeals from any direction given by the disciplinary committee.
- (2) The appeal committee shall consist of the following seven members of the Body of Benchers, as may be appointed by the Body of Benchers from time to time, that is-
- (a) as Chairman, a Bencher, who is a member of the Body of Benchers other than by virtue of section 3 (1) (g) of this Act;
- (b) two Attorneys-General in the Federation;
- (c) two Judges of the High Court of any State; and
- (d) two members of the association.
- (3) On any appeal against a direction of the disciplinary committee, the appeal committee may allow or dismiss the appeal in whole or in part, and if it is of opinion that any direction given by the disciplinary committee should not have been given or that a different direction should have been given by the disciplinary committee (whether more or less severe), the appeal committee shall revoke the direction of the disciplinary committee or, as the case may be, substitute therefore such direction as it thinks ought to have been given, being a direction which, under section 11 of this Act, could lawfully have been given by the disciplinary committee.
- (4) The appeal committee shall cause notice of any direction given by it under this section to be served on the person to whom it relates.
- (5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court; and the appeal committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given by the Supreme Court as to costs of the appeal before that court and of proceedings before the disciplinary committee, the appeal committee shall be deemed to be a party to the appeal before the Supreme Court, whether or not it appears on the hearing of that appeal.

- (6) A direction of the appeal committee under subsection (3) of this section shall take effect-
 - (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (7) Subject to this Act, the Body of Benchers may make rules prescribing the procedure to be followed in the conduct of appeals before the appeal committee.
- 13. (1) Where it appears to the Supreme Court that a person whose name is on the roll has been guilty of infamous conduct in any professional respect with regard to any matter of which the court or any other court of record in Nigeria is or has been seized, the Supreme Court may if it thinks fit, after hearing any representations made and evidence adduced by or on behalf of that person and such other persons as the court considers appropriate, give such a direction as is mentioned in subsection (1) of section 11, and the direction shall take effect forthwith; and except in the case of an admonition the court shall cause notice of the direction to be published in the Federal Gazette.
- (2) Where it appears to the Chief Justice that a legal practitioner should be suspended from practice, either with a view to the institution against him of proceedings under this Act before the disciplinary committee or while any such proceedings are pending, the Chief Justice may if he thinks fit, after affording the practitioner in question an opportunity of making representations in the matter, give such direction as is authorised by paragraph (ii) of subsection (1) of section 11; and in deciding whether to give such a direction in consequence of the conviction of a legal practitioner, the Chief Justice shall be entitled to disregard the provisions of subsection (5) of that section.
- 14. (1) Where either before or after the commencement of this Act the name of any person has been struck off the roll or a person has been or is deemed to have been suspended from practice, he may, subject to the provisions of subsection (2) of this section, make an application for the restoration of his name to the roll or the cancellation of the suspension-
 - (a) if the striking off or suspension was ordered by the Chief Justice of the Supreme Court, to that court; and

- (b) in any other case, to the disciplinary committee.
- (2) A direction under subsection (1) of section 11 of this Act or subsection (1) of section 13 of this Act may prohibit an application under subsection (1) of this section until the expiration of the period specified in the direction; and where such an application is duly made to the Supreme Court or the disciplinary committee, the court or disciplinary committee may direct that no further application shall be made under subsection (1) of this section until the expiration of the period specified in the direction under this subsection.

Remuneration of Practitioners

- 15.** (1) There shall be a committee, to be called the Legal Practitioners Remuneration Committee, which shall consist of
- (a) the Attorney-General of the Federation, who shall be the chairman of the committee;
 - (b) the Attorneys-General of the States; and
 - (c) the president of the association and three other members of the association.
- (2) The quorum of the committee shall be three, of whom one shall be the chairman of the committee or some other member of the committee nominated by him to act as chairman of the committee on the occasion in question.
- (3) The committee shall have power to make orders regulating generally the charges of legal practitioners and, without prejudice to the generality of that power, any such order may include provision as to all or any of the following matters, that is to say-
- (a) the maximum charges which may be made in respect of any transaction or activity of a description specified by the order;
 - (b) the ascertainment of the charges appropriate for any transaction or activity by reference to such considerations as may be so specified;
 - (c) the taking by practitioners of security for the payment of their charges and the allowance of interest with respect to the security; and
 - (d) agreements between practitioners and clients with respect to charges.

- (4) The committee shall not make an order under this section unless they have served a copy of the proposed order on the president of the association and have considered any representations in writing made to the committee by the association within the period of three months beginning with the date of service of the copy; and if the National Council of Ministers on any of the twenty days on which it sits next after the day on which an order under this section comes into force, resolves that the order be annulled it shall, except in relation to any thing previously done by virtue of the order, cease to have effect on the day next following the date of the resolution and be deemed never to have had effect.
- (5) Until the first order made in pursuance of this section comes into force, nothing in this section shall be construed as affecting the law in force in any part of Nigeria with respect to the remuneration of legal practitioners.
- 16.** (1) Subject to the provisions of this Act, a legal practitioner shall be entitled to recover his charges by action in any court of competent jurisdiction.
- (2) Subject as aforesaid, a legal practitioner shall not be entitled to begin an action to recover his charges unless-
- (a) a bill for the charges containing particulars of the principal items included in the bill and signed by him, or in the case of a firm by one of the partners or in the name of the firm, has been served on the client personally or left for him at his last address as known to the practitioner or sent by post addressed to the client at that address; and
- (b) the period of one month beginning with the date of delivery of the bill has expired.
- (3) In any case in which a legal practitioner satisfies the court, on an application made either ex parte or if the court so directs after giving the prescribed notice-
- (a) that he has delivered a bill of charges to a client; and
- (b) that on the face of it the charges appear to be proper in the circumstances; and
- (c) that there are circumstances indicating that the client is about to do some act which would probably prevent or delay the payment to the practitioner of the charges, then, notwithstanding that the period mentioned in paragraph (b) of subsection (2) of this section has not expired, the court may direct that the practitioner be authorised to bring and prosecute an action to recover the charges unless before judgment in the action the client gives such security for the payment of the charges as may be specified in the direction.
- (4) The court may, if it thinks fit, on the application of a client-
- (a) order a legal practitioner to deliver his bill of charges to the client;

- (b) make an order for the delivery up of, or otherwise in relation to, any documents in the control of the practitioner which belong to or were received by him from or on behalf of the client, and without prejudice to the generality of the powers of the court to punish for contempt or to the provisions of this Act relating to the discipline of legal practitioners, the court may punish for contempt any practitioner who refuses or fails to comply with an order under this subsection.
- (5) The value of any consideration received by any person for anything done by a legal practitioner in his capacity as a legal practitioner shall, in so far as the value exceeds the minimum charges to which by virtue of this Act the practitioner is entitled in respect of that thing, be recovered from any person who received the consideration or from the practitioner by the person from whom the consideration moved either directly or indirectly.
- 17. (1) If a bill of costs is not given in accordance with the direction, the court shall, **on an application made by a client within the period of one month from the date on which a bill of charges was delivered to him, order that the bill shall be taxed and that no action to recover the charges shall be begun until the taxation is completed.**
- (2) Subject to the provisions of subsection (3) of this section, the court may if it thinks fit, on an application made after the expiration of the period aforesaid by the legal practitioner or (except as aforesaid) by the client in question-
 - (a) order that the bill shall be taxed;
 - (b) order that until the taxation is completed no action to recover the charges mentioned in the bill shall be begun and any such action already begun shall be stayed, and an order under the subsection may be made on such terms (other than terms as to the costs of the taxation) as the court may determine.
- (3) No order shall be made under subsection (2) of this section-
 - (a) in any case, after the period of twelve months from the date on which the bill in question was paid;
 - (b) except in a case where the court determines that there are special reasons for making such an order, if twelve months have expired since the date of the delivery of the bill or if judgment has been given in an action to recover the charges in question, and an order made by virtue of paragraph (b) of this subsection may contain terms as to the costs of the taxation.

- 18.** (1) The taxation of a bill of charges shall be in accordance with the provisions of any order in force under section 15 of this Act; and where no such order is in force or any item falling to be taxed is not dealt with by the order, the charges to be allowed on taxation of the item shall not exceed such as are reasonable having regard to the skill, labour and responsibility involved and to all the circumstances of the case.
- (2) If at the time and place appointed in pursuance of rules of court for the taxation of a bill one of the parties appears and any other party does not, the taxing officer shall proceed to tax the bill unless for special reasons he determines to adjourn or further adjourn the taxation so as to afford an absent party an opportunity to be present; and where he does so determine he may also determine by whom any costs of the adjournment or further adjournment shall be payable.
- (3) Where on the taxation of a bill it appears to the taxing officer that there are circumstances of the case which make it appropriate to refer the taxation to the court, he shall so refer it; and the court may either-
- (a) proceed itself to tax the bill and notify to the taxing officer the amount to be declared and stated in his certificate in pursuance of the next following subsection; or
- (b) refer the taxation back to the taxing officer with its direction in the matter.
- (4) On the completion of the taxation of a bill, the taxing officer shall forthwith declare the amount due in respect of the bill and shall file in the records of the court a certificate signed by him stating that amount; and any party to the taxation shall be entitled on demand to have issued to him free of charge an office copy of the certificate.
- (5) If any party to the taxation is dissatisfied with a determination under subsection (2) of this section or the amount stated in a certificate filed in pursuance of this section (other than a certificate stating the amount notified by the court under subsection (3) of this section), he may, within twenty-one days from the date of the determination or filing, appeal to the court.
- (6) The certificate of the taxing officer in respect of a bill of charges, or where the certificate is varied on appeal the certificate as so varied, shall be conclusive as to the amount of the charges payable in respect of the bill; but nothing in this subsection shall be construed as relieving a legal practitioner of any obligation to prove that a client is liable to pay a bill of charges, or as precluding a client from disproving that he is so liable.
- (7) Subject to the provisions of any order made by virtue of subsection (3) of section 17 of this Act, if the amount stated in a certificate under this section relating to a bill of costs, or in such a certificate as varied on appeal, is less than the amount of the bill

before taxation and the difference is equal to one-sixth or more of the amount of the bill before taxation, the costs of the taxation shall be payable by the legal practitioner, and in any other case those costs shall be payable by the client.

- 19.** (1) Without prejudice to the provisions of section 24 of this Act, in the four last foregoing sections and this section (hereafter in this section referred to as "the remuneration provisions") the following expressions have the following meanings unless the context otherwise requires, that is to say-

"bill of charges" means such a bill as is mentioned in paragraph (a) of subsection (2) of section 16 of this Act;

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

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

"the court" means the High Court of the State in which the legal practitioner in question usually carries on his practice or usually resides or in which the client in question usually resides or has his principal place of business or, in the case of a practitioner authorised to practise by warrant, the High Court of the State in which the proceedings specified in the application for the warrant were begun;

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

- (2) For the purposes of the remuneration provisions, a bill of charges is delivered if it is served on or left for or sent to the client as mentioned in subsection (2) of section 16 of this Act and, in relation to a bill of charges, "deliver" and cognate expressions shall be construed accordingly.
- (3) The remuneration provisions shall apply to a firm consisting of legal practitioners in partnership as they apply to a legal practitioner.
- (4) For the purposes of the remuneration provisions, a person shall be deemed to be a legal practitioner in relation to any charges if he was a legal practitioner when he performed the services to which the charges relate.

Safeguards for Clients, etc.

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

- (a) as to the opening and keeping by legal practitioners of accounts at banks for clients' moneys; and
 - (b) as to the keeping by legal practitioners of records containing particulars and information as to moneys received, held or paid by them for or on account of their clients; and
 - (c) as to the opening and keeping by a legal practitioner who is the sole trustee, or who is a co-trustee only with one or more of his partners, clerks or servants, of an account at a bank for moneys of any trust of which he is the sole trustee or such a co-trustee as aforesaid; and
 - (d) as to the keeping by such a practitioner as is mentioned in paragraph (c) of this subsection, of records containing particulars and information as to moneys received, held or paid by him for or on account of any such trust as is so mentioned; and
 - (e) empowering the Bar Council to take such action as it thinks necessary to enable it to ascertain whether the rules are being complied with.
- (2) Rules made under subsection (1) of this section shall not come into force until they are approved by order of the Attorney-General, either without modification or with such modifications as he thinks fit; but before approving any such rules with modifications the Attorney-General shall afford the Bar Council an opportunity of making representations with respect to the proposed modifications and shall consider any representations made in pursuance of this subsection.
- (3) If it appears to the Attorney-General that any rules should be made, revoked or altered in exercise of the powers conferred on the Bar Council by this section, he shall make a recommendation in that behalf to the Bar Council; and if within the period of six months beginning with the date of the recommendation the council has not acted in accordance with the recommendation, the Attorney-General may, within the period of twelve months beginning with that date, make rules giving effect to the recommendation.
- (4) Rules under this section shall not require the keeping of accounts or records-
- (a) by a legal practitioner in respect of moneys received, held or paid by him as a member of the public service of the Federation or a State; or
 - (b) in such other circumstances as may be specified by the rules.

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

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

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

General

22. (1) Subject to the provisions of this section, if any person other than a legal practitioner-

(a) practises, or holds himself out to practise, as a legal practitioner; or

(b) takes or uses the title of legal practitioner; or

(c) wilfully takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that he is a legal practitioner or is qualified or recognised by law to act as a legal practitioner; or

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

he shall be guilty of an offence and liable, in the case of an offence under paragraph (a) of this subsection or a second or subsequent offence under paragraph (d) of this subsection, to a fine of an amount not exceeding N200 or imprisonment for a term not exceeding two years or both, and in any other case to a fine of an amount not exceeding N100.

In this subsection "instrument", in relation to immovable property, means any document which confers, transfers, limits, charges or extinguishes any interest in the

property or which purports so to do, and "immovable property" includes unextracted minerals.

- (2) Nothing in subsection (1) of this section shall prevent a person from being dealt with for contempt of court, but no proceedings for an offence under this section shall be brought or continued against a person in respect of any act if he has been dealt with for contempt of court in respect of that act.
- (3) Nothing in paragraph (d) of subsection (1) of this section shall be construed as making it an offence for any person to prepare an instrument--
 - (a) in the course of his activities as a pupil of a legal practitioner or of his employment as a clerk or servant of a legal practitioner;
 - (b) relating only to property in which he has or claims an interest (including an interest as a personal representative or as a person entitled to any part of the estate of a deceased person);
 - (c) relating only to proceedings to which he is a party, or prepared with a view to proceedings to which he may be a party;
 - (d) for the purpose only of recording information or expert opinion intended for use in, or with a view to, any proceedings;
 - (e) which is, or is intended to be, a will or other testamentary instrument;
 - (f) of such a class or description as the Attorney-General may by order determine.
- (4) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) No proceedings for an offence under this section shall be begun after the expiration of the period of three years beginning with the date of the offence.
- (6) It is hereby declared that any agreement to transfer, either directly or indirectly, any money or thing in consideration of any act which constitutes an offence under this section is void; and any money or thing so transferred, or the value of the thing, shall be recoverable by the transferor from the transferee or from any other person by whom the offence was committed, whether or not any proceedings have been brought in respect of the offence or the time for bringing such proceedings has expired.

- 23.** (1) It shall be the duty of the registrar to continue to maintain the roll of court kept immediately before the passing of the Legal Practitioners Act 1962 in pursuance of rule 5 of Order XVI of the Supreme Court (Civil Procedure) Rules; and in this Act "the roll" means the roll maintained in pursuance of this subsection.
- (2) The association shall pay any sums received by it by virtue of section 8 of this Act into a separate fund which shall be used for the purposes of the association; and it shall be the duty of the association-
- (a) to keep proper accounts in respect of the fund and proper records in relation to the accounts; and
- (b) to cause the accounts to be audited in each year by an auditor approved, as respects that year, by the Auditor General of the Federation; and
- (c) to cause a copy of the accounts and of the auditor's report thereon to be sent to the registrar and to each person by whom a practising fee has been paid in respect of the year in question in pursuance of the said section 8.
- (3) In calculating for the purposes of this Act the period of a person's standing as a legal practitioner, there shall be taken into account any period before the passing of the Legal Practitioners Act 1962 during which he was entitled by law to practise as a barrister and solicitor in any part of Nigeria.
- (4) Except as otherwise provided by or under this Act, any document authorised or required to be served by or under this Act may, without prejudice to any other means of service, be served by post in a registered letter.
- (5) Any application to a court or Judge in pursuance of this Act shall be made in the prescribed manner.

24. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say-

"the appeal committee" means the Appeal Committee of the Body of Benchers established by section 12 of this Act; "the association" means the Nigerian Bar Association;

"the Attorney-General" means the Attorney-General of the Federation;

"the bar council" has the meaning assigned to it by section 1 of this Act;

"the Benchers" means the Body of Benchers established by section 3 of this Act;

"the president of the association" means the person for the time being holding office as president of the association in accordance with the constitution of the association; "the Chief Justice" means the Chief Justice of Nigeria; "the disciplinary committee" has the meaning assigned to it by section 10 of this Act;

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

"prescribed" means prescribed by rules of court;

"public service of the Federation" has the same meaning as in the Constitution of the Federal Republic of Nigeria; "qualifying certificate" has the same meaning as in the Legal Education (Consolidation) Act;

"the registrar" means the Chief Registrar of the Supreme Court;

"the roll" has the meaning assigned to it by subsection (1) of section 23 of this Act, and cognate expressions shall be construed accordingly;

"rules of court" means rules of court made by the Supreme Court;

"warrant" means a warrant issued by the Chief Justice under section 2 of this Act.

25. This Act may be cited as the Legal Practitioners Act.

First Schedule

Table of precedence

1. The Attorney-General of the Federation.
2. The Attorneys-General of the States in order of seniority as Senior Advocates of Nigeria and thereafter in order of seniority of enrolment.
3. Senior Advocates of Nigeria in order of seniority.
4. Persons authorised to practise as legal practitioners by virtue of paragraph (b) of subsection (3) of section 2 of this Act.
5. Persons whose names are on the roll in order of seniority of enrolment.
6. Persons authorised to practise by warrant.

For the purposes of this table, orders of seniority shall be ascertained by reference to the date of the relevant instrument, appointment, first enrolment or warrant (the earlier the date, the greater the seniority) and, in the case of persons taking seniority within the same category from the same date in such manner as the Chief Justice may direct.

Second Schedule

Supplementary provisions as to the disciplinary committee

1. The quorum of the disciplinary committee shall be five of whom three shall be persons mentioned in paragraphs (a) and (b) of section 10 (2) of this Act.
2. (1) The Chief Justice of Nigeria shall make rules for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the disciplinary committee.
(2) The rules shall in particular provide-
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person against whom the proceedings are brought;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the disciplinary committee;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of subsection (7) of section 11 of this Act, as to the costs of proceedings before the disciplinary committee;
 - (f) for requiring, in a case where it is alleged that the person against whom the proceedings are brought is guilty of infamous conduct in any professional respect, that where the disciplinary committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing in the Federal Gazette notice of any direction of the disciplinary committee which has taken effect providing that a person's name shall be struck off the roll or that a person shall be suspended from practise.

3. It shall be the duty of the Solicitor-General of the Federation to afford to the disciplinary committee such facilities, whether by way of accommodation, secretarial assistance or otherwise, as the disciplinary committee may reasonably require for the purpose of its functions.
4. (1) Subject to the provisions of section 10 of this Act a person appointed by the Benchers on the nomination of the association to be a member of the disciplinary committee shall, unless he previously resigns, hold office for such term, not exceeding three years, as may be specified in this instrument of appointment.
 - (2) A person ceasing to be a member of the disciplinary committee shall be eligible for reappointment as a member of that body.
 - (3) A person may, if otherwise eligible, be a member of both the disciplinary committee and the appeal committee; but no person who acted as a member of the disciplinary committee in any case shall act as a member of the appeal committee with respect to that case.
5. The Attorney-General of the Federation or of a State may, if he thinks fit, direct the Solicitor-General of the Federation or, as the case may be, of the State to act in his place as a member of the disciplinary committee for the purposes of any case; and references to an Attorney-General in this Schedule or section 10 of this Act shall be construed accordingly.
6. The disciplinary committee or the appeal committee may act notwithstanding any vacancy in its membership and no proceedings of the disciplinary committee or the appeal committee shall be invalidated by any irregularity in the appointment of a member thereof or by reason of the fact that any person who was not entitled to do so took part in the proceedings.
7. The disciplinary committee may sit in two or more divisions.
8. Any document authorised or required by this Act to be served on the disciplinary committee shall be served on the Solicitor-General of the Federation.