

LEGAL PRACTITIONERS (AMENDMENT) DECREE 1969



Decree No. 54

[24th December 1969]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Legal Practitioners Act 1962 (in this Decree hereafter referred to as “the Act of 1962”) is amended—

(a) in section 4 (rights of audience, and precedence), by inserting immediately after subsection (2) the following subsection—

“(2A) In respect of the year one thousand nine hundred and seventy and all following years—

(a) the practising fee prescribed by subsection (2) above shall be increased by an additional fee of one guinea for every legal practitioner ; and

(b) the whole of that additional fee shall be paid over by the registrar to the association,

and the said subsection (2) shall be construed accordingly.” ;

(b) in section 6 (disciplinary tribunal, etc.), by inserting after subsection (3) the following subsections—

“(3A) Notwithstanding the provisions of subsection (3) above the panel may, instead of referring a case to the tribunal, find as a fact that an overcharge for services has been made or as the case may be that no lien for the retention of documents exists, and may direct the legal practitioner concerned to make any refund which the panel may deem appropriate, or direct the return of relevant documents as the case may require.

“(3B) An appeal by the legal practitioner to the tribunal shall lie if made within twenty-one days after the giving of a direction under subsection (3A) above ; and if no appeal is made but the legal practitioner fails within twenty-eight days after the giving of any direction as aforesaid to comply therewith the panel may thereafter refer the case to the tribunal for review, and the tribunal may deal with the case as one involving misconduct by the legal practitioner in his professional capacity.

Sundry
amendments
to the Legal
Practitioners
Act, 1962.
1962 No. 33.

“(3c) Rules of court may provide for the recording of any such direction or existing rules may be adapted for the purpose.”;

(c) in section 7 (penalties for unprofessional conduct, etc.), by adding at the end of subsection (1)—

“and any such direction may include provision requiring a refund of moneys paid, or the handing over of documents as the circumstances of the case may require.”;

(d) by inserting immediately after section 7 the following section—

“Additional powers of tribunal. 7A. If after hearing any charge preferred as the result of recommendations made or otherwise reported to the tribunal by the panel, misconduct not amounting to infamous conduct in any professional respect is proved and the tribunal is of opinion that disciplinary measures should be taken, it may as part of its finding make an order—

(a) for the return of documents wrongfully withheld;

(b) for the refund of moneys paid in excess of the value of work done, undertaken to be done, or omitted to be done; or

(c) for the return of documents and the refund of moneys as in paragraphs (a) and (b) aforesaid,

and any such order when made may be enforced by suspension of the legal practitioner with or without admonition.”;

(2) The Second Schedule to the Act of 1962 is amended by inserting immediately after sub-paragraph (1) of paragraph 6 a sub-paragraph (1A) as follows—

“(1A) Standing orders may, for the avoidance of doubt, provide for membership (but not the quorum) for the hearing of cases generally, or of any particular case, so however that, where the Attorney-General of the State in which the legal practitioner concerned carries on the practice of his profession (and if in more than one State the appropriate number of Attorneys-General) and the Attorney-General of the Federation are notified of any meeting of the panel, and the case is one where the Attorney-General of the Federation is satisfied that the facts as reported to him are not of sufficient importance to warrant the attendance of all members of the panel (whether Attorneys-General of other States or any legal practitioners in private practice), standing orders may provide for the omission of giving notice to such number of them as the Attorney-General of the Federation may direct, but not so as to provide or preclude a quorum by reason of the exclusion of legal practitioners in private practice.”

Citation and extent.

2. This Decree may be cited as the Legal Practitioners (Amendment) Decree 1969, and shall apply throughout the Federation.

MADE at Lagos this 24th day of December 1969.

MAJOR-GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

PORTS (AMENDMENT) DECREE 1969



Decree No. 55

[1st December 1969]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Ports Act is hereby amended—

Amendment
of Cap. 155.

(a) by inserting immediately after section 14 the following section—

“Additional provisions for Warri, Calabar and Burutu. 14A. The provisions of the Fifth Schedule to this Act shall have effect, in addition to the other provisions of this Act, in relation to the ports of Warri, Calabar and Burutu.”

(b) by adding immediately after the Fourth Schedule the following Schedule—

“FIFTH SCHEDULE

SPECIAL PROVISIONS FOR WARRI, CALABAR AND BURUTU

1. Subject to this Schedule, the rights, interests, obligations and liabilities of the relevant companies in the relevant assets shall vest in the Authority on the appointed day by virtue of this Decree and without further assurance.

2. As from the appointed day, the rights, interests, obligations and liabilities of the relevant companies existing in respect of the relevant assets immediately before the appointed day under any contract shall by virtue of this Schedule be assigned to the Authority.

3. Any proceeding or cause of action (not being a proceeding or cause of action in tort) pending or existing immediately before the appointed day in relation to the relevant assets by or against any of the relevant companies in respect of any right, interest, obligation or liability of any of the relevant companies may be commenced, continued or enforced by or against the Authority as it might have been against that one of the relevant companies if this Schedule had not been enacted.

4.—(1) For the purposes of this Schedule there shall be an arbitration board (referred to in this Schedule as “the arbitration board”) consisting of—

(a) one arbitrator appointed by the Commissioner in consultation with the Federal Commissioner for Justice,

(b) one arbitrator appointed by the companies who are port operators, and

(c) a chairman who shall be a Justice of the Supreme Court appointed by the Chief Justice of Nigeria.

(2) A decision of the arbitration board under this Schedule shall be final.

(3) The arbitration board may regulate its own procedure and (without prejudice to the generality of the foregoing) may give directions as to the manner in which matters are to be referred to it under this Schedule.

5. It shall be the function of the arbitration board to determine the total value of the relevant assets in respect of each of the relevant ports and apportion that total among the relevant companies.

6. As soon as may be after the total value of the relevant assets has been determined and apportioned under paragraph 5 above, the Authority shall issue debentures for an amount equal to that total on such terms as to redemption, payment of interest and otherwise as may be directed by the Commissioner after consultation with the Federal Commissioner for Finance and the relevant companies; and each of the relevant companies shall be entitled to so much of the debentures as is equal in value to any amount so apportioned to it.

7. If, as a result of the operation of this Schedule, any person employed by any of the relevant companies at any of the relevant ports immediately before the appointed day loses his employment—

(a) it shall be the duty of the Authority to offer him employment at that one of the relevant ports on its standard terms and to keep the offer open for the three months following the appointed day, and

(b) if that person rejects the offer, he shall be entitled to have his employment with the relevant company determined on the company's appropriate standard terms.

8. The Commissioner may, at any time within six months after the appointed day, issue directions not inconsistent with this Schedule for the purpose of facilitating the operation of this Schedule in respect of any particular one of the relevant ports; and the Authority and the relevant companies shall be legally bound to comply with any such directions.

9. In this Schedule—

“the appointed day” means, in respect of Warri and Calabar, 1st December 1969, and in respect of Burutu, a day to be appointed by the Commissioner;

“the relevant assets” means the port facilities, as defined in section 10 (3) of this Act, and the shore installations ancillary thereto (including forwarding and clearing services, shipping agency services, stevedoring and ship handling services, and storage and lighterage services) existing immediately before the appointed day in each of the relevant ports;

“the relevant companies” means all those bodies corporate other than the Authority which immediately before the appointed day owned, occupied or had a right of user or other interest in any of the relevant assets;

"the relevant ports" means Warri, Calabar and Burutu."

Further
amendment
of Cap. 155.

2.—(1) With effect from 1st December 1969—

(a) the following items, that is to say—

"3. Warri.

4. Calabar."

shall be added to Part I of the First Schedule to the Ports Act, and

(b) the following items, that is to say, "4. Calabar." and "11. Warri." shall be deleted in Part II of the said First Schedule.

(2) With effect from the day appointed by the Commissioner to be the appointed day in respect of Burutu—

(a) the following item, that is to say, "5. Burutu." shall be added to Part I of the said First Schedule, and

(b) the following item, that is to say, "3. Burutu." shall be deleted in Part II of the said First Schedule.

3.—(1) This Decree may be cited as the Ports (Amendment) Decree 1969, and shall apply throughout the Federation.

Citation,
extent and
commence
ment.

(2) This Decree shall be deemed to have come into force on 1st December 1969.

MADE at Lagos this 24th day of December 1969.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces
Federal Republic of Nigeria*