

LEGAL PRACTITIONERS DECREE 1975



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Decree No. 15

[16th May 1975]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

The General Council of the Bar

1.—(1) There shall be a body to be known as the General Council of the Bar (hereafter in this Decree referred to as "the bar council") which shall be charged with the general management of the affairs of the Nigeria 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 Decree or that constitution.

Establishment of bar council.

(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) above 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

Entitlement
to practise.

2.—(1) Subject to the provisions of this Decree, 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 public 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.

Establish-
ment of
Body of
Benchers.

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 ;

(b) the Attorney-General of the Federation ;

(c) the Chairman of the Council of Legal Education ;

(d) the Chief Justices of all the States in the Federation ;

- (e) the Attorneys-General of all the States in the Federation ;
- (f) the president of the association ;
- (g) twelve members of the association of not less than fifteen years post-call standing, who shall be nominated by the association ; and
- (h) such other persons as may be appointed members pursuant to regulations made by the Body of Benchers under subsection (3) of this section.

(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 Benchers shall (unless he previously vacates it) vacate his office as a Benchers if he ceases to be the holder of any office by virtue of which he was appointed a Benchers.

(4) Notwithstanding anything in subsection (3) of this section, the Chief Justice of Nigeria shall hold office as such Benchers 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 (1) 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 Benchers and the circumstances in which any Benchers may become a supernumerary Benchers ;

(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 Decree 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 Decree.

(6) Any Benchers 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,

1964 No. 1.

and the operation of section 11 (2) of the Interpretation Act 1964 (which deals with references in an enactment to acting appointments) is hereby excluded.

Call to the Bar.

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 the foregoing subsection 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.

Conferment, etc. of rank of Senior Advocate of Nigeria.

5.—(1) Subject to subsection (2) of this section, the Head of the Federal Military Government may, after consultation with the Legal Practitioners' Privileges Committee established pursuant to subsection (3) of this section, 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.

(3) There shall be a committee to be called the Legal Practitioners' Privileges Committee which shall consist of—

- (a) the Chief Justice who shall be the chairman;
- (b) the Attorney-General of the Federation; and

(c) three other members of the legal profession appointed by the Chief Justice, of whom one shall be a Justice of the Supreme Court and one shall be the Chief Justice of a State or the President of the Federal Revenue Court.

(4) The Legal Practitioners' Privileges Committee may act notwithstanding any vacancy in its membership.

(5) The Legal Practitioners' Privileges Committee may, with the approval of the Federal Executive Council, 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.

(6) Until the first rules made in pursuance of subsection (5) 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.

Enrolment.

6.—(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 enrolments 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 Decree 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 Decree by that court or in pursuance of a direction of the disciplinary committee shall not be entitled to have his name enrolled again.

7.—(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 the Court of Resolution of Northern Nigeria or any native or customary court, a legal practitioner shall have the right of audience in all courts of law sitting in Nigeria.

Right of audience, and precedence.

(2) No legal practitioner (other than such a person as is mentioned in subsection (3) of section 2 of this Decree) 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—

(a) in the case of a Senior Advocate of Nigeria, of forty-two naira,

(b) in the case of a person of ten or more years standing as a legal practitioner at the beginning of that year, not being a Senior Advocate of Nigeria, of twenty-five naira,

(c) in the case of a person of more than five and less than ten years standing as a legal practitioner at the beginning of that year, of fifteen naira, and

(d) in any other case, of ten naira.

(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 three quarters 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 Schedule 1 to this Decree.

8.—(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 the foregoing subsection 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.

9.—(1) There shall be a committee to be known as the Legal Practitioners Disciplinary Committee (hereafter in this Decree 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 Decree.

(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 Schedule 2 to this Decree shall have effect in relation to the disciplinary committee.

10.—(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

Liability
for negli-
gence.

Establish-
ment of
disciplinary
committee.

Penalties
for unpro-
fessional
conduct,
etc.

(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) above ; 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 the foregoing subsections 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 11 of this Decree ; 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.

11.—(1) There shall be a committee to be known as the Appeal Committee of the Body of Benchers (hereafter in this Decree 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 Benchers, who is a member of the Body of Benchers other than by virtue of section 3 (1) (g) of this Decree ;

(b) two Attorneys-General in the Federation ;

(c) two judges of the High or higher 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 therefor such direction as it thinks ought to have been given, being a direction which, under section 10 of this Decree, 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.

Establishment of
Appeal
Committee
of the Body
of Benchers,
etc.

(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 Decree, the Body of Benchers may make rules prescribing the procedure to be followed in the conduct of appeals before the appeal committee.

12.—(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 10, 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 *Gazette*.

Disciplinary jurisdiction of the Supreme Court.

(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 Decree 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 10 ; 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.

13.—(1) Where either before or after the commencement of this Decree 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 the following subsection, make an application for the restoration of his name to the roll or the cancellation of the suspension—

Restoration of names to roll, etc.

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

(b) in any other case, to the disciplinary committee.

(2) A direction under subsection (1) of section 10 of this Decree or subsection (1) of the last foregoing section may prohibit an application under the foregoing subsection 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 the foregoing subsection until the expiration of the period specified in the direction under this subsection.

Remuneration of Practitioners

Scales of
charges.

14.—(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 Federal Executive Council 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.

Recovery
of charges,
etc.

15.—(1) Subject to the provisions of this Decree, 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 the last foregoing subsection 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 Decree 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 Decree the practitioner is entitled in respect of that thing, be recoverable from any person who received the consideration or from the practitioner by the person from whom the consideration moved either directly or indirectly.

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

Applications
for taxation
of charges.

(2) Subject to the provisions of the next following subsection, 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 this 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 the last foregoing subsection—

(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.

Taxation.

17.—(1) The taxation of a bill of charges shall be in accordance with the provisions of any order in force under section 14 of this Decree ; 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 the last foregoing section, 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.

Supple-
mentary
provisions
as to
remunera-
tion.

18.—(1) Without prejudice to the provisions of section 23 of this Decree, 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 15 of this Decree ;

"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 15 of this Decree 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.

19.—(1) Subject to subsection (4) of this section, the bar council may from time to time as the council considers expedient, make rules—

Accounts
and records
for clients'
moneys.

(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 the last foregoing paragraph 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 the foregoing subsection 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.

20.—(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

21.—(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

Special provisions as to client accounts with banks.

Offences.

(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 ₦200 or imprisonment for a term not exceeding two years or both, and in any other case to a fine of an amount not exceeding ₦100.

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 the foregoing subsection 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 Decree 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.

Miscellaneous
supplementary
provisions.
1962 No. 33.

22.—(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 Decree "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 7 of this Decree 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 Federal Commissioner for Finance; 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 7.

(3) In calculating for the purposes of this Decree 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 Decree, any document authorised or required to be served by or under this Decree 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 Decree shall be made in the prescribed manner.

Interpreta-
tion.

23. In this Decree, 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 11 of this Decree;

"the association" means the Nigeria 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 Decree;

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

"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 9 of this Decree;

"legal practitioner" means a person entitled in accordance with the provisions of this Decree 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 Federation ;

1963
No. 20.

"qualifying certificate" has the same meaning as in the Legal Education Act, 1962 ;

1962,
No. 12.

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

"the roll" has the meaning assigned to it by subsection (1) of the last foregoing section, 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 Decree.

24.—(1) This Decree may be cited as the Legal Practitioners Decree 1975.

Citation,
repeals,
etc.

(2) The enactments specified in Schedule 3 to this Decree are hereby repealed to the extent shown in the third column of that Schedule.

(3) The repeal of the enactments specified in the said Schedule 3 shall not affect any rules, orders, regulations or other instruments made under any of the enactments repealed, and such rules, orders, regulations or other instruments shall continue in force as if made under the corresponding provisions of this Decree.

SCHEDULES

SCHEDULE 1

Section 7

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 Decree.

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.

SCHEDULE 2

Section 9

SUPPLEMENTARY PROVISIONS AS TO THE DISCIPLINARY COMMITTEE

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 9 (2) of this Decree.

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 10 of this Decree, 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 *Gazette* of the Federation 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 practice.

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.

Miscellaneous

4.—(1) Subject to the provisions of section 9 of this Decree, 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 his 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 9 of this Decree 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 Decree to be served on the disciplinary committee shall be served on the Solicitor-General of the Federation.

SCHEDULE 3

Section 24

REPEALS

No.	Short Title	Extent of Repeal
1. 1962 No. 33 ..	Legal Practitioners Act 1962 ..	The whole Act
2. 1965 No. 31 ..	Legal Practitioners (Amendment) Act 1965 ..	The whole Act
3. 1968 No. 9 ..	Legal Practitioners (Amendment) Decree 1968 ..	The whole Decree
4. 1969 No. 54 ..	Legal Practitioners (Amendment) Decree 1969 ..	The whole Decree
5. 1971 No. 54 ..	Legal Practitioners (Amendment) Decree 1971 ..	The whole Decree
6. 1972 No. 36 ..	Legal Practitioners (Amendment) Decree 1972 ..	The whole Decree
7. 1974 No. 25 ..	Legal Practitioners (Amendment) Decree 1974 ..	The whole Decree

MADE at Lagos this 16th day of May 1975.

GENERAL⁵Y. GOWON,
*Head of the Federal Military Government,
 Commander-in-Chief of the Armed Forces,
 Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree re-enacts the Legal Practitioners Act 1962 as amended up to date.

NIGERIAN PILGRIMS BOARD DECREE 1975



ARRANGEMENT OF SECTIONS

Section

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Establishment of Nigerian Pilgrims Board. 2. Financial provisions. 3. Staff. 4. Duties of the board. 5. Register of pilgrims travel agencies. 6. Fees, etc. for pilgrimages to be fixed by the board. 7. Agencies appointed by delegation. 8. Report of pilgrimage by the board. 9. Regulations. | <ol style="list-style-type: none"> 10. Offences generally. 11. Power to defer pilgrimage applications in certain cases. 12. Set off. 13. Citation, interpretation and commencement. |
|---|---|

SCHEDULE

Schedule—Supplementary provisions relating to membership, etc. of board.

Decree No. 16

[Section 13 (4)]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There shall be established a board to be known as the Nigerian Pilgrims Board (in this Decree hereafter referred to as "the board") charged with responsibility for the general welfare of Nigerians who undertake *el-Hajj* or *el-Umra* (that is to say the Pilgrimage or the Lesser Pilgrimage) or both, and with duties incidental thereto as imposed by this Decree.

Establishment of Nigerian Pilgrims Board.

(2) The board shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and, subject to the need for prior approval where prescribed under this Decree, the board may hold, acquire and dispose of any property, moveable or immovable.

(3) Subject as in this Decree hereafter provided, it shall be the duty of the board (and of no other person or authority) to arrange suitable transport and accommodation for Nigerians undertaking a pilgrimage (such persons being hereafter in this Decree referred to as "pilgrims") and generally to safeguard the interests of pilgrims at all stages of the pilgrimage.

(4) In the application of subsection (3) above pilgrims shall be transported by air as far as is practicable, and to such end the board shall (subject to the enactments regulating civil aviation) make suitable arrangements with

Nigeria Airways Limited which shall have the sole right of arranging flights for any particular pilgrimage.

(5) The supplementary provisions contained in the Schedule to this Decree (which relate to the membership and constitution of the board) shall have effect with respect to its proceedings so however that in respect of the membership, the Commissioner with the approval of the Federal Executive Council may by order published in the *Gazette* increase or reduce the composition and numbers.

Financial
provisions.

2.—(1) The funds of the board shall consist of—

(a) all such sums as may be charged by the board as fees, dues and other amounts recoverable by the board ;

(b) all revenue accruing to or vested in the board by way of grants-in-aid or otherwise whatsoever,

which shall, subject to such proportion which may be retained for the general cost of administration of the board as may be directed under the prescribed rules, be paid into the Consolidated Revenue Fund of the Federation.

(2) In respect of the revenue in each financial year the board shall, save in the case of the first pilgrimage after the commencement of this Decree, prepare and submit to the Commissioner not later than three months before every pilgrimage, an estimate of its expenditure and income during the next succeeding financial year.

(3) Subject to the prescribed rules, the board shall keep proper accounts and records in relation to its funds and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by the Auditor-General of the Federation.

(4) For the purposes of this section the prescribed rules—

(a) shall provide a system of accounting whereby the board shall establish and maintain under its control sufficient amount on an account with a bank in Nigeria or, as the circumstances may require and with the approval of the Federal Commissioner for Finance, and subject to such condition as he may impose, with banks outside Nigeria into which shall be paid moneys received by the board in the first instance ; and

(b) shall contain provisions specifying the manner in which the properties of the board and assets of the fund are to be held, regulating the making of payments into and out of the fund, the keeping of proper accounts and records, and also requiring copies of the accounts and of the auditors' report on them to be furnished to the Federal Executive Council through the Commissioner from time to time.

(5) The board may with the prior approval of the Commissioner from time to time borrow moneys, so however that the amount at any one time owing by the board shall not exceed the sum of twenty thousand naira without the approval of the Commissioner.

(6) In this section "prescribed rules" means rules made by the Federal Commissioner for Finance, after consultation with the Commissioner for External Affairs.

3. The board shall have a permanent secretariat, with an Executive Secretary. The Director of the Pilgrims Commission of the Ministry of External Affairs shall be the Executive Secretary of the board. Other members of the staff of the board shall be public officers appointed on secondment for such periods and on such terms as the relevant public service commission may authorise or approve from time to time.

Staff.

4.—(1) The board shall in the course of a pilgrimage render all reasonable assistance which pilgrims may require in matters touching or concerning health, immigration, foreign exchange, and the import into Nigeria thereafter of items for the time being exempted from payment of duty but not otherwise, and it shall be a duty of the board to seek and obtain advice on standards (religious or of health) and other matters appropriate to pilgrimages as the board considers necessary, and to establish, or set up, and maintain—

Duties of the board.

(a) a library of books and other relevant publications as well as cinematograph and other facilities of use to persons interested in or desirous of undertaking a pilgrimage, so however that the library shall be open to the public upon and subject to any condition as to user which the board may think fit to impose;

(b) a continuing campaign, educative as well as religious, in all the States, the educative function being as well relative to the functions of the board as to pilgrimages generally;

(c) pilgrims camps in Nigeria at such place or places approved by the Commissioner.

(2) It shall likewise be the duty of the board in respect of every pilgrimage to appoint—

(a) such number of medical practitioners and medical staff as it thinks fit;

(b) welfare officers to carry out in Nigeria and elsewhere as directed by the board the pilgrim welfare policy of the board in respect of the pilgrimage for which they are welfare officers;

(c) a sufficient number from a list of persons known as *Mutawifs* and *Muzawirs* (meaning thereby approved persons named in lists supplied by the Government of Saudi Arabia at the request of the board) as guides during a pilgrimage.

(3) For the purposes of this section, the course of a pilgrimage shall be the period of time fixed by the board after taking such advice in any particular case as it thinks fit.

5.—(1) Persons claiming to be experienced in the handling of pilgrimages within the meaning of this Decree may apply to the board for licences to establish pilgrims travel agencies or if established as such by any means before the commencement of this Decree they may apply for registration hereunder; and subject thereto no pilgrims travel agency (in this Decree hereafter referred to as "agency") shall be recognised by the board or be entitled to operate as an agency unless and until it is so registered under this Decree.

Register of pilgrims travel agencies.

(2) Applications under subsection (1) above for licences may be made in writing to the board for its approval and shall be in such form as the Executive Secretary may direct or approve; and every applicant shall deposit with the board, in addition to any payment as a registration fee, an amount to be fixed from time to time by the board. If the application is refused the amount deposited (but not the registration fee) shall be returned to the applicant.

(3) It shall be the duty of the Executive Secretary to prepare a register of every agency licensed by the board under this Decree, and the register shall be kept in such form as the board may approve; and when so prepared the Executive Secretary shall thereafter amend it from time to time as circumstances may require, and save in respect of the first pilgrimage after the commencement of this Decree, not later than three months before the commencement of a pilgrimage the Executive Secretary shall, as directed by the board, publish the names and addresses of all agencies licensed for the purposes of the pilgrimage.

(4) Any agency aggrieved by the refusal of the board to grant a licence or by the imposition of onerous provisions therein may appeal to the Commissioner within thirty days from the date of the refusal or imposition, as the case may be. The Commissioner having due regard to the general interest and welfare of intending pilgrims shall give his decision within a reasonable time after the date when the appeal is lodged; and no appeal shall thereafter lie from the decision of the Commissioner.

(5) In this section "grant" in respect of a licence includes renewals.

Fees, etc.
for
pilgrimages
to be fixed
by the board.

6.—(1) The board shall consult with all persons likely in the opinion of the chairman to be of assistance, and without prejudice to the requirement for consultation, the board shall be the sole authority to arrange transport from camps established by it in Nigeria to the place of arrival in the country of the pilgrimage outside Nigeria and thereafter from the place of departure in that country for the purpose of return to Nigeria after a pilgrimage; and for such purpose it shall fix the cost of the return fare to any individual undertaking a pilgrimage (which cost shall include return fares as respects transport to and from the place of arrival outside Nigeria as aforesaid in the foregoing provisions which shall be fixed by Nigeria Airways Limited and taxes in the country of the pilgrimage, pilgrim agency commission, *mutawif* and *muzawir* fees and other fees and charges incidental thereto) and when so fixed the board shall give public notice of the overall charge to agencies and other persons as it thinks expedient or necessary.

(2) Where the board fixes fees under this section and money is thereafter paid to a pilgrim agency by an intending pilgrim that agency shall forthwith remit the amount received less any commission which the board may authorise the agency to deduct (and which the board is hereby authorised so to do) as a deduction to be retained by the appropriate agency.

(3) As soon as may be after the receipt by it of all pilgrimage fees paid by individuals as costs fixed by the board under subsection (1) above, the board shall pay to persons entitled, *mutawif* and *muzawir* fees and other disbursements.

(4) The failure to pay any moneys due to the board under subsection (2) above shall be an offence under this Decree, punishable on conviction by a fine equal to double the amount by which an agency is in default.

Agencies
appointed by
delegation.

7.—(1) The board may in respect of a pilgrimage if satisfied that it is in the interest of pilgrims, instead of licensing agencies in a State, delegate any of its functions under this Decree to the authority (other than the Military Government of a State) charged with responsibility for the general care and welfare of pilgrims in that State.

(2) Where a delegation is made under this section it shall be subject to any conditions which the board may reasonably impose ; and the agency shall be deemed to have applied for and been granted a licence under this Decree and the provisions as to registration shall have effect accordingly.

8.—(1) The board shall, not later than three months after the completion of a pilgrimage, prepare and submit to the Commissioner a report on the pilgrimage ; and the Commissioner shall after its receipt forward a copy of the report with the comments and recommendations (if any) of his Ministry to the Federal Executive Council and transmit copies of the report to each of the Military Governors.

Report of pilgrimage by the board.

(2) Nigeria Airways Limited shall in this respect, not later than one month after the completion of a pilgrimage, prepare and submit to the board a comprehensive financial account of the pilgrimage showing particularly the cost of return fare of every individual who travelled by its own aircraft or any aircraft chartered by it.

9.—(1) Subject to the provisions of this section, the board may make regulations generally for the purposes of this Decree and without prejudice to the generality thereof regulations may contain provisions—

Regulations.

(a) specifying offences and types of misconduct, whether committed in Nigeria or elsewhere, that would disqualify a person from undertaking any pilgrimage organised or supervised by the board ;

(b) providing for forms for use under this Decree and for the particulars to be included in applications to the board for licences (including notification of any change) by agencies and evidence if required to be produced in support ;

(c) providing for the fees to be paid to the board in respect of the issue or renewal of licences ; and

(d) providing for any other matter or thing falling to be prescribed by the board in respect of agencies.

(2) Regulations may also provide for the exclusion or removal as the case may be from the register of names of agencies which fail to pay licence fees, or renewal of licence fees.

(3) Regulations when made shall be published in the *Gazette* and in such other manner as the board may direct, so however that any regulation made pursuant to paragraph (a) of subsection (1) of this section or which imposes, increases or reduces fees, shall not have effect without the prior approval of the Commissioner.

10.—(1) Subject to the following provisions of this section under which punishment for particular offences is prescribed, any agency (other than one established by a State) which contravenes this Decree and in respect of which no punishment is prescribed shall be guilty of an offence and be liable on conviction to a fine of not less than one thousand naira or to imprisonment for not less than two years ; and in a proper case the court convicting shall direct the cancellation of the agency licence.

Offences generally.

(2) If any person for the purpose of obtaining an agency licence—

(a) makes a statement which he believes to be false in a material particular ; or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine of not less than one hundred naira or to imprisonment for not less than one month.

(3) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or con-

nivance 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 that capacity, he as well as the body corporate shall be deemed to be guilty of that offence and be liable to be proceeded against and punished accordingly.

Power to defer pilgrimage applications in certain cases.

11.—(1) Where an applicant for an agency licence is convicted of an offence under section 10 (2) above, the court convicting him shall send by registered post to the board a copy of the conviction and the board shall record it; and when considering applications relative to a pilgrimage under this Decree the board may in its discretion defer the application of any person so convicted (not being an application to perform a first pilgrimage) for a period not exceeding five years computed from the date of completion of the sentence.

(2) Where the board is satisfied that a person has committed any offence or misconduct specified by the board in regulations made pursuant to section 9 of this Decree the board may, with the prior approval of the Commissioner, disqualify that person from undertaking any pilgrimage organised or supervised by the board pursuant to this Decree and the disqualification shall have effect for such period as the board may specify.

Set off.

12. If default is made at any time by any State in the payment to the board of any amount due from the State to the board under this Decree, the board shall notify the Head of the Federal Military Government of the default; and thereafter the Federal Military Government may set off the amount in respect of which default is made in or towards the payment of any sum due from the Federal Military Government to such State, and the Federal Military Government shall pay any sum so set off to the board.

Citation, interpretation and commencement.

13.—(1) This Decree may be cited as the Nigerian Pilgrims Board Decree 1975.

(2) In this Decree—

“agency” in relation to a pilgrimage includes a person, a company and an association or body of persons, corporate or unincorporate;

“Commissioner” where used without reference to office means the Commissioner for External Affairs;

“Nigerian Airways Limited” means W.A.A.C. (Nigeria) Ltd. and its successors in title;

“Military Governor”, in relation to a State, includes the Administrator of the East Central State;

“State” means a State of the Federation.

(3) In the application of this Decree, “*el-Hajj*” has reference to the Pilgrimage to Mecca, including in any such pilgrimage the following places, namely, Medina, Arafat, Muna and Jerusalem.

(4) This Decree shall come into operation on a date to be appointed by order signed by the Commissioner, and the date so appointed may be before or after the making of this Decree, but so however that if any Pilgrimage is in contemplation or progress on its commencement, arrangements then made or, as the case may be, in operation, may be continued and concluded as if this Decree had not been made.

SCHEDULE

Section 1 (5)

SUPPLEMENTARY PROVISIONS RELATING TO MEMBERSHIP, ETC. OF BOARD

Membership and tenure of office

1. The board shall consist of the following—

- (a) a chairman to be appointed by the Head of the Federal Military Government ;
- (b) one member from each of the States appointed by the Commissioner on the nomination of the respective Military Governors ;
- (c) five members one each from the following Ministries—
 - (i) the Federal Ministry of Transport,
 - (ii) the Federal Ministry of Health,
 - (iii) the Federal Ministry of Internal Affairs,
 - (iv) the Federal Ministry of Finance, and
 - (v) the Ministry of External Affairs ;
- (d) one member representing Nigeria Airways Limited ; and
- (e) six members appointed by the Commissioner.

2.—(1) Any member other than one appointed by office shall hold office for a period of three years beginning with the date of his appointment as a member, but shall be eligible for reappointment at the expiration of that period.

(2) Any member other than one appointed by office may at any time resign his appointment by notice in writing under his hand ; and the resignation shall have effect upon signification by any means of its acceptance by the Commissioner, so however that if the vacancy is in respect of a member within paragraph 1 (b) above it shall be filled from the same State as that of the member resigning.

(3) Members appointed by office shall cease to be members upon ceasing to hold the office entitling appointment to the board.

(4) Any member of the board may be removed from office by the Federal Executive Council on the recommendation of the Commissioner for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Powers of the Board

3.—(1) Subject to the provisions of this paragraph and of any provisions of this Decree, the board shall have power to do anything which in its opinion is calculated to facilitate the performance of its duties under this Decree.

(2) Except in accordance with scales approved by the Federal Commissioner for Establishments, the board shall not have power to pay remuneration, allowances or expenses to any officer or servant of the board or to any other person.

(3) No salary shall be paid to the chairman or any member of the board ; but an allowance for attendance at meetings may, with the approval of the Federal Executive Council, be granted by the Commissioner.

Cap. 147.

(4) Where at the time of his appointment any member is entitled to the benefit of the Pensions Act as a pensionable officer of any of the public services or scheduled authorities within the meaning of that Act, that benefit shall continue to apply as if the person concerned had not been so appointed.

Proceedings of the Board

4. Subject to the provisions of this Decree, the board may make standing orders regulating the proceedings of the board or of any committee thereof.

5. The quorum shall be eight provided that the following seven members are present, that is to say—

(a) four members under paragraph 1 (b) above,

(b) two members under paragraph 1 (c) above, and

(c) one member under paragraph 1 (e) above.

6. The chairman shall preside at all meetings at which he is present and in his absence the members present may elect one of their number in attendance to be chairman of the meeting.

7. Questions for determination shall be decided by a majority of the votes of members present and voting. Every member other than a co-opted member shall have a deliberative vote for the purpose; and in the event that the votes are equal the chairman shall have in addition to his deliberative vote a casting vote.

8.—(1) The board shall meet not less than twice in any financial year, and subject to the provisions of any standing orders of the board, it shall meet at other times according as it is summoned by the chairman; and if the chairman is required to do so by notice in writing given to him by not less than five other members, he shall summon a meeting of the board to be held within fourteen days from the date on which the notice is given.

(2) Where the board desires to obtain the advice of any person on a particular matter, the board may co-opt that person as a member for such period as it thinks fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the board, and shall not count towards a quorum.

(3) The first meeting of the board shall, notwithstanding the provisions of this paragraph, be summoned by the Commissioner who may give such directions as he thinks fit as to the procedure to be followed at the meeting. Any other meeting may be convened by the Commissioner if the chairman fails or refuses to do so.

Committees

9.—(1) The board may appoint one or more committees either standing or *ad hoc* to carry out on behalf of the board such functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons to be determined by the board, and any committee so appointed may co-opt any person whose advice is desired as a member but the co-opted member shall not be entitled to vote at any meeting of the committee and shall not count towards a quorum.

(3) A decision of a committee of the board shall be of no effect until it is confirmed by the board.

Miscellaneous

10.—(1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the board by any person generally or specially authorised to act for that purpose by the board.

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

11. The validity of any proceedings of the board or a committee thereof shall not be affected by any vacancy in the membership of the board or committee, or by any defect in the appointment of a member of the board of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

12. Any member of the board, and any person holding office on a committee of the board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any questions relating to the contract or arrangement.

13. A person shall not, by reason only of his membership of the board, be treated as holding an office of emolument under the Federal Republic or of a State.

14. No member of the board shall be personally liable for any act or default of the board done or omitted to be done in good faith in the course of the operations of the board.

MADE at Lagos this 16th day of May 1975.

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

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree establishes the Nigerian Pilgrims Board to look after the welfare of Nigerian pilgrims who undertake the *el-Hajj* or *el-Umra* (that is to say the Pilgrimage or the Lesser Pilgrimage), and the board is to be the sole authority to arrange transport and accommodation for the pilgrims. The board may on application register pilgrims travel agencies which may, under certain circumstances, accept the cost of return fare of any pilgrimage as fixed by the board. Any agency which contravenes the provisions of the Decree shall be guilty of an offence and liable on conviction to a fine of not less than ₦1,000 or imprisonment for not less than 2 years. It is an offence carrying a fine of not less than ₦100 or imprisonment for not less than one month for any applicant for a pilgrim's travel agency licence to make any false statement in his application.

APPROPRIATION DECREE 1975



Decree No. 17

[1st April 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Accountant-General of the Federation may, when authorised to do so by warrants signed by the Federal Commissioner for Finance, pay out of the Consolidated Revenue Fund of the Federation during the year ending on 31st March 1976 the sums specified by the warrants, not exceeding in the aggregate five billion, two hundred and fifty-two million, two hundred and ninety-seven thousand, and three hundred and seventy-three naira.

Issue and
appropriation
of
RM5,252,297,
373 from
Consoli-
dated
Revenue
Fund for
1975-76.

(2) The amount mentioned in the foregoing subsection shall be appropriated to heads of expenditure as indicated in the Schedule to this Decree.

(3) No part of the amount aforesaid shall be issued out of the Consolidated Revenue Fund of the Federation after the end of the year mentioned in subsection (1) of this section.

2.—(1) In this Decree, the expression "billion" means one thousand million.

Interpreta-
tion and
amendment
of
1964 No. 1.

(2) In section 18 of the Interpretation Act 1964 immediately below the definition of the expression "act" there shall be inserted the following new definition, that is to say :—

"'billion' means one thousand million;".

3. This Decree may be cited as the Appropriation Decree 1975 and shall be deemed to have come into operation on 1st April 1975.

Citation and
commence-
ment.

SCHEDULE

Head	Amount RM
21. State House/Dodan Barracks	683,250
22. Cabinet Office	17,055,370
23. Police	131,693,920
24. Ministry of Agriculture and Rural Development	40,852,140
25. Ministry of Communications	647,200
26. Ministry of Defence	547,253,930
27. Ministry of Economic Development	8,491,880
28. Ministry of Education	240,196,680
29. Ministry of Establishments	18,787,890

<i>Head</i>	<i>Amount</i>
	₦
30. Ministry of External Affairs	33,263,860
31. Ministry of Finance	56,345,490
32. Ministry of Health	38,702,710
33. Ministry of Industries	5,785,390
34. Ministry of Information	31,201,270
35. Ministry of Internal Affairs	44,231,660
36. Ministry of Justice	2,192,400
37. Ministry of Labour	14,725,670
38. Ministry of Mines and Power	7,531,660
39. Ministry of Trade	7,838,100
40. Ministry of Transport	25,915,670
41. Ministry of Works	83,465,260
42. Ministry of Civil Aviation	30
43. Ministry of Social Development, Youth and Sports	30
44. Ministry of Urban Development, Housing and Environment	30
45. Ministry of Petroleum and Energy	30
46. Ministry of Co-operatives and Supply	30
47. Ministry of Water Resources	30
48. Audit	1,708,970
49. Judicial	1,468,130
50. Parliament Buildings	1,040,400
51. Federal Public Service Commission	1,607,710
52. Police Force Service Commission	228,468
53. Contribution to Development Fund	2,170,991,332
54. Non-Statutory Appropriation of Revenue	325,080,000
55. Consolidated Revenue Fund Charges.. .. .	1,393,310,783
TOTAL	₦5,252,297,373

MADE at Lagos this 16th day of May 1975.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is only intended to explain its effect)*

The Decree provides for the issue and appropriation of specified sums for the services of the Federation for the financial year ending on 31st March 1976 and, for the avoidance of doubt, provides for the definition of the expression "billion" when used in any enactment to mean one thousand million.

BANKING (AMENDMENT) DECREE 1975



Decree No. 18

[16th May 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Banking Decree 1969 is hereby amended by the insertion immediately after section 28 of the following new section :—

“Power to
proscribe
trade
unions.

28A—(1) If the Head of the Federal Military Government is satisfied that any trade union any of the members of which are employed in a licensed bank is or has been engaged in acts calculated to disrupt the economy of the country he may by Order published in the *Gazette* proscribe that trade union and that trade union (hereafter in this section referred to as “the proscribed union”) shall as from the date of the Order cease to exist.

(2) A proscribed union shall not later than 14 days from the date of an Order under subsection (1) of this section surrender its certificate of registration to the Registrar who shall take such steps in relation to the distribution of the assets of the union as he deems necessary or in accordance with the registered rules of the union.

(3) No person who immediately before the date of an Order under this section was an official of a proscribed union shall at any time after that date be an official of any trade union any of the members of which are employed by a bank.

(4) If the certificate of registration of a proscribed union is not delivered to the Registrar as required by subsection (2) of this section every person who immediately before the proscribing of the union was an official thereof shall be guilty of an offence and shall be liable on conviction to a fine of ₦500 or imprisonment for two years.

(5) Any person who contravenes subsection (3) of this section shall be guilty of an offence and shall on conviction be liable to imprisonment for five years.

Amendment
of 1969
No. 1.

(6) In this section—

“official” in relation to a trade union means any person holding an official position in that trade union and accordingly includes in particular any president, secretary or treasurer thereof and every member of its committee of management however described;

“Registrar” means the Registrar of Trade Unions appointed under section 48 of the Trade Union Decree 1973.”

Citation.

2. This Decree may be cited as the Banking (Amendment) Decree 1975.

MADE at Lagos this 16th day of May 1975.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its effect)*

The Decree amends the Banking Decree 1969 to empower the Head of the Federal Military Government to proscribe any trade union the members of which are employed in a licensed bank and which is engaged in acts calculated to disrupt the economy of the country.