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THE LEGAL PRACTITIONERS ACT 1975

(1975 No. 15)

Body of Benchers Regulations 1983

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THE LEGAL PRACTITIONERS ACT 1975

(1975 No. 15)

Body of Benchers Regulations 1983

In exercise of the powers conferred by subsection (5) of section 3 of the Legal Practitioners Act 1975 and of all other powers enabling it in that behalf, the Body of Benchers hereby makes the following regulations :—

Commencement : 7th March 1983

Membership

Membership,
1975 No. 15,
1976 No. 29,
1977 No. 40.

1.—(1) Without prejudice to the provisions of subsection (1) of section 3 of the Legal Practitioners Act 1975, as amended by the Legal Practitioners (Amendment) Act 1976 and the Legal Practitioners (Amendment) Act 1977, the Body of Benchers (hereinafter in these regulations referred to as "the Body") shall comprise the following members :—

- (a) the Chief Justice of Nigeria and all the Justices of the Supreme Court ;
- (b) the President of the Federal Court of Appeal ;
- (c) the Attorney-General of the Federation ;
- (d) the Chief Judge of the Federal High Court ;
- (e) the Chief Judges of all the States in the Federation ;
- (f) the Chairman of the Council of Legal Education ;
- (g) the Attorneys-General of all the States in Nigeria ;
- (h) the President of the Nigerian Bar Association ;
- (i) twenty members of the association of not less than fifteen years post-call standing who shall be nominated by the association ; and

(j) such number of persons, not exceeding 20, who appear to the Body to be eminent members of the legal profession in Nigeria of not less than 15 years post-call standing. Members of the Body under this paragraph shall be elected by the Body in accordance with the procedure hereinafter set out.

(2) In addition to such persons who become members by virtue of the foregoing paragraph of this regulation the Body may from time to time appoint honorary members thereof in accordance with the procedure set out hereinafter.

(3) A Benchers shall cease to be a member of the Body—

- (a) during any period when proceedings are pending against him for misconduct pursuant to section 3 (6) of the Act ;
- (b) during any period when he is suspended for misconduct ;
- (c) if he is dismissed by the Body from membership for misconduct ; or
- (d) if he resigns his membership.

(4) There shall also be such number of persons who may become supernumerary members as the Body may from time to time prescribe.

Life
Membership.

2.—(1) In addition to any member who becomes a life member by virtue of his having been the Chief Justice of Nigeria at any time—

- (a) all the persons who are members by virtue of section 2A (1) (b), (c), (d), (e) and (f) of the Legal Practitioners Act 1962 at the time of the coming into operation of the Legal Practitioners (Amendment) Act 1971,

1962 No. 33.
1971 No. 54.

(b) the twelve persons elected by the Nigerian Bar Association under section 2A (1) (g) of the Legal Practitioners Act 1962, as amended as aforesaid, who have been duly elected at the time of the inaugural meeting of the Body,

shall likewise become members for life.

(2) All persons who become members by virtue of the said section 3 (1) (b) to (j) of the Act other than those who become life members under the immediately preceding paragraph shall, in the case of those who become members by virtue of their respective offices, cease to be members at the expiration of the period during which the offices are held, and in the case of those who become members under the said section 3 (1) (j), be members for three years only :

Provided that the Body may at its discretion and on such conditions as it may determine confer membership of the Body for life on any person who would otherwise not be a member for life.

(3) Nothing in the foregoing provisions shall prevent—

(a) any person who is a member from notifying the Chairman of the Body of his intention to resign his membership and from ceasing to be such a member upon so doing ; and

(b) any member for life from notifying the Chairman of the Body of his intention to resign his membership for life and from ceasing to be such a member, and upon so doing he shall become a supernumerary member.

3.—(1) Subject to paragraphs (2) and (3) of this regulation, there shall be the offices of Chairman and Vice-Chairman of the Body.

(2) The Chairman and Vice-Chairman shall each hold office for only one year beginning in April of the one year and ending in March of the next ; and upon the Chairman ceasing to be Chairman the Vice-Chairman shall succeed him as Chairman for the next following year.

(3) Upon the Vice-Chairman becoming Chairman of the Body as stated in the preceding paragraph, the office of Vice-Chairman shall become vacant and shall be filled by election by the members present and voting at a meeting of the Body called for that purpose:

Provided that any election to the office of the Vice-Chairman shall be made in such a manner that in any year in which the Chairman is a member of the Bench the Vice-Chairman shall be a member of the Bar ; and where the Chairman is a member of the Bar the Vice-Chairman shall be a member of the Bench.

(4) In addition to the offices of the Chairman and Vice-Chairman the Body may from time to time create and designate for its purposes such other offices as it may consider necessary.

(5) A former Chairman who ceases to hold that office may, so long as he remains a member, be conferred with such functions and facilities as the Body may from time to time direct.

4.—(1) Whenever any vacancy occurs among the persons who become members by virtue of section 3 (1) (i) of the Act, the Nigerian Bar Association shall be called upon to fill such vacancy.

(2) Whenever any vacancy occurs among those persons who become members other than by virtue of section 3 (1) (i) of that Act the members shall on such day and time as the Chairman may appoint decide whether or not such vacancy shall be filled, and the procedure set out in the following paragraphs of this regulation shall then apply.

Chairman
and Vice-
Chairman of
the Body.

Proposals
for election
of members
of the Body.

(3) If the Body decides to fill all or any of the vacancies, the Secretary shall on the day following the day of the decision send notices in writing of the decision to every member.

(4) Upon receipt of such notice every member who intends to propose any person to fill any vacancy shall submit to the Chairman through the Secretary the name or names of such person or persons for election to fill the vacancy or vacancies and the grounds upon which the proposer considers that the candidate has attained distinction in the legal profession :

Provided that a member shall not propose more persons for consideration than there are vacancies to be filled.

(5) A proposal shall not be valid unless it is received by the Secretary not later than three o'clock in the afternoon of the day on which proposals are to close.

(6) Upon receipt of all the proposals, the Chairman shall cause a list to be prepared showing the name of every person proposed for election who has been proposed by no fewer than two members and the list shall indicate in respect of each candidate the following matters, that is—

(a) the date of the candidate's call to the Bar ;

(b) the date of his admission as a legal practitioner in Nigeria ;

(c) the names of his proposers ; and

(d) the ground upon which each of his proposers considers that he has attained distinction in the legal profession.

(7) The names of the candidates shall be entered in the said list in the order of call to the Bar.

(8) The Chairman will then cause the list to be circulated to all members and at the same time summon them to a meeting of the Body for the purpose of electing persons to fill the vacancies.

(9) The persons so proposed shall be voted for by all the members present so, however, that no voting shall be held unless there is a quorum of 15 members.

Meetings

Meetings.

5.—(1) There shall be three statutory meetings in the dining year each of which shall be held on a Friday preceding the commencement of the dining term, and there shall be any other meeting whenever in the opinion of the Chairman it is necessary to hold one.

(2) The Chairman shall, whenever in his opinion there is need to hold any emergency meeting, summon an emergency meeting of the Body.

(3) Whenever there is a vacancy in the membership of the Body to be filled by the members the Chairman may summon a meeting of the Body.

(4) The Chairman shall preside at every meeting of the Body at which he is present and in his absence the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman the members present shall elect one from among themselves to preside at such meeting.

(5) The business of the Body shall not be transacted after dinner, except by the leave of the Chairman in exceptional circumstances.

(6) The Chairman shall cause to be circulated to every member of the Body, who is not a supernumerary nor an honorary member, a copy of the minutes of a meeting which shall, if approved, be signed at the next meeting by the Chairman or other member presiding.

(7) If the members amend these regulations, the Secretary shall record in the minutes—

(a) the name of the members present when the amendment was made; and

(b) at their request the names of the members voting against the amendment.

6.—(1) For the purpose of transacting any ordinary business of the Body, the quorum of the members at any meeting thereof shall, in accordance with section 3 (7) of the Act, be ten.

Quorum.

(2) For the purpose of electing members to fill the office of Vice-Chairman and for electing persons to be members of the Body either as ordinary members or as honorary members the quorum shall be fifteen.

7.—(1) Subject to the provisions of this regulation, the procedure for the regulation of the meetings of the Body shall be such as the Body may at its discretion determine at each meeting, so, however, that for the purpose of any election to its membership—

Procedure.

(a) voting shall be by secret ballot, and

(b) a candidate shall be deemed to be elected if no more than 2 members vote against him.

(2) On the day fixed for the election of new members the names of candidates duly proposed for election shall be submitted to the meeting and voted upon as provided for in paragraph (1) above.

(3) For the purpose of the election of new members at any meeting thereof, the Chairman shall appoint two members as "Returning Officers".

(4) If there are more candidates than there are vacancies to be filled each candidate shall be voted for in turn and, subject to the following paragraph of this regulation, a candidate shall be declared elected unless more than one vote shall have been cast against him.

(5) If, after voting in accordance with the provisions of paragraph (4) of this regulation, there are less vacancies than there are candidates against each of whom not more than one vote has been cast, lots shall be drawn to determine which of such candidates shall fill the vacancies.

(6) Notwithstanding that a candidate has failed to be elected at any one meeting such candidate may subsequently be proposed to fill a vacancy and may be voted for at any subsequent meeting.

8.—(1) There shall be set up from time to time and for such purposes as may be determined by the Body one or more committees of the Body to be known as "Standing Committees", which shall consist of a number of members not exceeding seven each.

Standing Committees.

(2) A Standing Committee established under paragraph (1) above shall have and may exercise such functions and powers as the Body may determine or direct.

(3) Every Standing Committee may, subject to the approval of the Body, determine its own procedure at meetings.

9. The Body shall employ a Secretary and such other persons as may from time to time be deemed necessary for the performance of its functions. The manner of appointment of such persons shall be determined by the Standing Committee on staff matters.

Secretary.

Call as
honorary
member.

10.—(1) Any person of distinction in any country may, if nominated by any two members of the Body, be called to the Bench as an honorary member thereof in accordance with this regulation.

(2) The Secretary shall upon the direction of the Chairman notify the nomination to all members and at a meeting summoned for that purpose or for the election of other members any person so nominated shall, upon the votes of the members present at such meeting, be duly elected by a simple majority of the members present and voting and shall thereafter be called to the Bench as an honorary member thereof : Provided that the person to be elected shall prior to the meeting aforesaid have been consulted and duly signified his acceptance to serve as a Benchers if so elected.

Supernumerary Members

Super-
numerary
members.

11.—(1) A member, other than an honorary member shall, if his notice is approved by the Body, become supernumerary on giving notice in writing to the Chairman of his intention to become such a member.

(2) A member, not being an honorary member, shall become a supernumerary member at the expiration of his membership of the Body if—

(a) being a member under paragraphs (b), (e), (g), (h), (i) or (j) of section 3 (1) of the Act by virtue of an office which he has vacated in accordance with the Act or these regulations, he had at any time served as a Chairman or Vice-Chairman of the Body ;

(b) not being a former Chief Justice of Nigeria, he is the most senior Justice of the Supreme Court in retirement ; or

(c) he is the most senior President of the Federal Court of Appeal in retirement ; or

(d) he is the most Senior Chief Judge of a High Court (by whatever name called) in retirement.

(3) In this regulation, the seniority of a retired Justice of the Supreme Court, President of the Federal Court of Appeal or Chief Judge of a High Court, as the case may be, shall rank from the date of his first appointment to that office.

12. A supernumerary or honorary member shall be subject to the following disabilities—

(a) he shall not be a member of any Standing Committee of the Body ; and

(b) he shall not hold the office of Chairman or Vice-Chairman or any other office of the Body nor shall he occupy the Chairman's seat on any occasion.

Miscellaneous Provisions

13. The Body may from time to time require members thereof, other than honorary and supernumerary members, to pay such subscriptions as the Body may in its discretion direct to be paid.

14. All agreements made on behalf of the Body and all other instruments shall be in the name of the Body of Benchers and signed by the Chairman for the time being and the Secretary.

Disabilities
of supernu-
merary and
honorary
members.

Subscription-
tions.

Contracts,
etc. by
Chairman.

15.—(1) For the purpose of approving the candidature of persons to be called to the Bar, the Body shall hold a meeting in the last term of each year or as the occasion may demand and at such meeting the names of persons proposed for call to the Bar shall be considered and approved by the members present there :

Call to the Bar.

Provided that the list of such students shall have been circulated to all members at least 3 days before the meeting in question.

(2) Before the name of a student is put forward for consideration under paragraph 1 of this regulation, such student shall have been proposed in writing by at least two members and such members, if required, shall give to the Body some account of the student's character and qualifications for call to the Bar.

(3) If any member knows of any circumstance that calls in question the suitability of a student for call to the Bar he shall inform the members at such meeting and the members shall thereupon decide whether or not to call such a student to the Bar.

(4) Before a final decision is taken on the eligibility or suitability for call to the Bar of any student the Vice-Chairman shall produce a certificate to the Body showing the student's standing and other qualifications.

(5) Any student whose application for call to the Bar has been approved by the Body in accordance with the procedure herein shall be entitled to be called to the Bar on the day in the last term of the dining year appointed as such by these regulations or so designated by the Body.

(6) Without prejudice to the foregoing provisions, the Body may appoint any day in any dining term as a Call Night for the purpose of calling students to the Bar and, accordingly, the application of any student for call to the Bar may be considered by the Body in any term of the dining year in accordance with the procedure set out in this regulation.

16.—(1) The Chairman shall preside on every Call Night at which he is present, and in his absence the Vice-Chairman shall preside.

Call Nights.

(2) In the absence of both the Chairman and the Vice-Chairman the members present shall elect one from among themselves to preside.

(3) Every student proposed and approved for call to the Bar shall on any Call Night be dressed in his bibs and barrister's gown but shall not place his wig on his head until he has been called to the Bar by the Chairman.

(4) The students to be called shall be summoned before the members in alphabetical order, after which they shall be addressed by the Chairman who shall immediately thereafter shake their hands one after another while at the same time handing over to each student his certificate of Call to the Bar.

(5) Immediately thereafter each student so called to the Bar shall wear his wig.

(6) Subsequently he shall appear and present himself before the Supreme court for enrolment as a legal practitioner in Nigeria.

(7) Without prejudice to the foregoing, if for any reason the Body Considers it necessary to do so it may call any student *in absentia*.

(8) On a Call Night any student to be called may bring not more than 2 persons who shall be either relatives or friends or both to witness his call to the Bar, and such persons shall when so requested leave the room before dinner after witnessing the call.

Attendance
at dinners.

17.—(1) All members shall be entitled to attend the first ordinary dinner and the first Call Night dinner of the current year.

(2) On subsequent Call Nights and ordinary dining nights any member who is willing to attend a dinner shall so indicate by giving a notice of at least six days to the Secretary.

(3) Subject to paragraphs (1) and (2) of this regulation, not more than ten members shall be present at any one dinner, and for this purpose there shall be a roster for members' attendance at each dinner ;

Provided that a member who is not able to attend a dinner on the day or days allotted to him may by arrangement attend on some other suitable days.

(4) There shall be a "Guest Night" in each dining term and subject to the availability of space and other facilities every member and barrister shall be entitled to bring a guest to dine with him on such night :

Provided that such member or barrister shall indicate to the Chairman the name, standing and address of his guest at least 14 days before the Guest Night and if more applications are received than there are spaces and facilities the Chairman shall, after consultation with the appropriate committee, decide those whose applications shall be approved.

(5) At each dinner including a Call Night dinner every member shall wear a silk robe on a dark lounge suit and every barrister shall be in his barrister's gown on a dark lounge suit.

(6) Students shall wear dark lounge suits except on every Call Night when those to be called to the Bar shall wear their full robes and be attired as described in paragraph (3) of regulation 16 above.

Dining
terms.

18.—(1) There shall be 3 dining terms in each year, and during a term the number of dining nights for every student shall be 3 within a total dining period of not less than 21 days, excluding Sundays.

(2) Every student shall at least 7 days before the commencement of the dining period give notice to the Secretary of the 3 days on which he proposes to dine within that period.

(3) The charges for dining which shall be paid by members, barristers and students respectively shall be such sums as may from time to time be determined by the Body.

(4) Subject to such dispensation as may be granted by the Body, no student shall be called to the Bar in any academic year unless he has kept 3 dining terms by dining on 3 nights in each term.

Discipline.
1975 No. 15.

19.—(1) The professional discipline of legal practitioners shall be conducted in accordance with the provisions of the Legal Practitioners Act 1975.

1962 No. 33.

(2) The discipline of students shall be the responsibility of the Council of Legal Education.

20.—(1) Every decision of a meeting of the Body or of any committee thereof shall, except as otherwise prescribed by or under these regulations, be by a majority of the members thereof present and voting at such meeting. There shall be no casting vote.

Decision by the majority in certain cases.

(2) Paragraph (1) above is subject to the provisions of these regulations relating to the quorum either generally or for a particular purpose prescribed under these regulations.

21. The Chairman may generally or in relation to any particular matter delegate any of his functions under these regulations to the Vice-Chairman, but nothing herein shall preclude the Chairman from exercising any such functions as may be so delegated.

Delegation of Chairman's functions.

22. In these regulations—

“Body” means the Body of Benchers established by the principal Act ;

“functions” includes powers and duties ;

“member” means a member of the Body ;

“prescribed” means prescribed in writing by the resolutions of the Body ;

Interpretation.

“dining year” means a period of 12 months beginning with 1st April in the one year and ending on 31st March in the succeeding year ; and

“year”, other than a dining year, means a period of 12 months beginning from 1st October and ending on 30th September next following.

23. These regulations may be cited as the Body of Benchers Regulations 1983.

Citation.

MADE at Lagos this 7th day of March, 1983.

CHIEF THE HON. R. O. A. AKINJIDE, SAN
Chairman, Body of Benchers

HON. JUSTICE G. S. SOWEMIMO,
Vice-Chairman, Body of Benchers