

The following Bill, which will in due course be presented to Parliament for enactment, is published for general information.

THE LEGAL EDUCATION BILL

EXPLANATORY MEMORANDUM

The purpose of this Bill is to establish a Council of Legal Education which will be responsible for the legal education of persons wishing to become members of the legal profession. The Council is empowered to establish a law school and to approve courses of instruction leading to qualifications for admission to the Bar.

The Bill provides that no person may in future begin to practise as a lawyer unless he has completed courses of study and training which, in the opinion of the Council, indicate that he has both the knowledge of law and the training in legal procedures which are appropriate for a person who intends to offer his services to the public as a legal practitioner.

T. O. ELIAS,
*Attorney-General of the Federation and
Minister of Justice*

THE LEGAL EDUCATION BILL

ARRANGEMENT OF CLAUSES

Clause

1. Establishment of Council of Legal Education.
2. Restrictions on enrolment and practice without suitable qualifications.
3. Qualifying certificates.
4. Approved courses and examinations etc. for qualifying certificates.
5. Expenses.
6. Short title, extent, interpretation and commencement.

A BILL

FOR

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO THE LEGAL PROFESSION BY ESTABLISHING A COUNCIL OF LEGAL EDUCATION AND BY RESTRICTING TO SUITABLY QUALIFIED PERSONS THE RIGHT TO PRACTISE THAT PROFESSION; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

- 5 1.—(1) There shall be established a body, to be known as the Council of Legal Education (and hereafter in this Act referred to as “the council”), which shall be charged with general responsibility for the legal education of persons seeking to become members of the legal profession. Establishment of Council of Legal Education.
- 10 (2) The council shall consist of the Chief Justice of the Federation who shall be chairman of the council, and of the following other members, that is to say—
- (a) the Attorney-General of the Federation ;
- (b) the Attorneys-General of the Regions ;
- 15 (c) the chairman of the Nigerian Bar Association (hereafter in this Act referred to as “the association”);
- (d) two persons who hold or have held high judicial office, to be appointed by the Chief Justice of the Federation ;
- (e) the principal of any law school maintained by the council ;
- 20 (f) two persons entitled to practice as legal practitioners in Nigeria, to be appointed by the association ; and
- (g) the head of each faculty of law of a university in Nigeria which grants a degree or other qualification in connection with a course of legal studies conducted by the faculty, being a degree or qualification by virtue of which the holder is entitled to obtain a qualifying certificate in pursuance of the following provisions of this Act.
- 25 (3) A person appointed as a member of the council in pursuance of paragraph (d) or (f) above shall, unless he previously resigns or is removed from office, hold office for such period not exceeding four years as may be specified in his instrument of appointment and shall
- 30 on ceasing to hold office, be eligible for reappointment.

(4) The quorum of the council shall be four, and the council may regulate its own procedure; and the validity of any proceedings of the council shall not be affected by any vacancy in the membership of the council or by any defect in the appointment of a member, or by reason that a person not entitled to do so took part in the proceedings. 5

(5) The council shall have power to do such things as it considers expedient for the purpose of performing its functions, but no remuneration or allowances shall be paid to any member of the council in respect of his office.

Restrictions on enrolment and practice without suitable qualifications.

2.—(1) Subject to subsection (3) of this section, the name of a person shall not be entered on the roll after the commencement of this Act unless that person produces to the registrar a qualifying certificate issued to him under the next following section. 10

(2) Subject as aforesaid, a person whose name is first entered on the roll after the commencement of this Act shall not be entitled to engage in practice in Nigeria as a legal practitioner unless the council has issued to him a certificate stating that, after becoming entitled to have his name entered on the roll, he successfully completed a course of training approved by the council for the purposes of this subsection which lasted for not less than one year and was conducted at an institution so approved. 15 20

(3) The Attorney-General of the Federation may by regulations provide that subsection (1) or subsection (2) of this section, or both of those subsections, shall not apply in such cases and on such conditions (if any) as may be prescribed by the regulations; and regulations under this subsection may make different provision for different circumstances, but shall not come into force until approved by a resolution of each House of Parliament. 25

Qualifying certificates.

3. A person shall be entitled to have a certificate issued to him by the council stating that he is qualified to have his name entered on the roll (in this Act referred to as a "qualifying certificate") if he applies to the council for the issue of such a certificate and satisfies the council— 30

(a) that he has attended a course of study approved by the council under the next following section; and

(b) that the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and 35

(c) that he holds a qualification so approved; and

(d) in any case in which the council thinks it proper so to require, that he has a proper knowledge of the law in force in Nigeria.

Approved courses and examinations etc. for qualifying certificates.

4.—(1) The council may approve for the purposes of the last foregoing section— 40

(a) any course of study which the council considers is designed to confer on persons completing it the knowledge of the principles of law required by a legal practitioner, and which persons are ineligible to attend unless they have such preliminary qualifications as the council considers appropriate; 45

(b) any institution in Nigeria or elsewhere which the council considers is properly staffed and organised for conducting the whole or any part of a course of study approved by the council under this section; 50

(c) any qualification which, as the result of an examination or examinations taken in conjunction with a course of study approved by the council under this section, is granted to candidates reaching a standard at the examination or examinations indicating, in the opinion of the council, that they have the knowledge aforesaid.

5

(2) The council may withdraw its approval under this section for any course, institution or qualification, either without reservations, or with reservations for the benefit of persons participating in the course immediately before the approval was withdrawn, but the withdrawal of an approval shall not prejudice any person who had obtained, or could immediately before the withdrawal have obtained, a qualifying certificate by virtue of the approval; and on withdrawing an approval the council shall, except in a case falling within the next following subsection, notify the body or person by whom in the opinion of the council the course or institution is directed or the qualification is granted.

10

15

(3) The council may if it thinks fit—

(a) prepare courses of study designed to confer the knowledge aforesaid on persons completing them;

20

(b) establish and maintain a school for conducting courses of study prepared by the council;

(c) hold examinations in connection with a course of study prepared by the council and conducted at the school or elsewhere;

25

(d) grant diplomas to candidates reaching a standard at any such examination indicating, in the opinion of the council, that they have the knowledge aforesaid;

and the power to approve courses, institutions and qualifications conferred by subsection (1) of this section shall include power to approve a course prepared or a school maintained or a diploma granted by the council.

30

(4) It shall be the duty of the council to keep itself informed of the nature of—

(a) the instruction given at approved institutions to persons attending approved courses of study; and

35

(b) the examinations as a result of which approved qualifications are granted;

40

and where it appears to the council appropriate to do so for the purpose of performing that duty the council shall, subject to the agreement of the persons in charge of the institutions or examinations in question, appoint persons to visit and report on approved institutions, and to attend and report on examinations as a result of which approved qualifications are granted.

(5) Nothing in this section shall be construed as prejudicing the generality of subsection (5) of section one of this Act.

45

5.—(1) There shall be paid to the council out of moneys provided by Parliament such sums by way of grant or loan as Parliament may from time to time determine.

Expenses.

(2) Any loan to the council of moneys provided by Parliament shall be made on such terms as may be determined by the Minister of the government of the Federation responsible for finance.

(3) The said Minister shall make regulations as to the keeping of accounts and records by the council, or by an officer of the council, with respect to sums paid to the council out of moneys provided by Parliament and as to the audit of the accounts; and the regulations shall provide for the laying in every year of a copy of the accounts before each House of Parliament. 5

Short title,
extent,
interpreta-
tion and
commence-
ment.

6.—(1) This Act may be cited as the Legal Education Act, 1962, and shall apply throughout the Federation.

(2) In this Act—

“the registrar” means the Chief Registrar of the Federal Supreme Court; and 10

“the roll” means the roll of barristers and solicitors maintained by the registrar.

(3) This Act shall come into force on such date as the Attorney-General of the Federation may by order appoint. 15

(749A)