

L.N. 138 of 1963

COMPANIES INCOME TAX ACT, 1961
(1961, No. 22)

**Income Tax (Exemption) (West African Examinations Council)
Order, 1963**

Commencement : 1st April, 1961

In exercise of the powers conferred by subsection (2) of section 26 of the Companies Income Tax Act, 1961, the Minister of Finance of the Federation has made the following Order—

1. This Order may be cited as the Income Tax (Exemption) (West African Examinations Council) Order, 1963, and shall be deemed to have come into effect on the 1st day of April, 1961.

Citation and
commence-
ment.

2. The West African Examinations Council, established in Ghana by the West African Examinations Council Ordinance (Chapter 117 of the 1951 Edition of the Laws of the Gold Coast) and given status and functions, including powers and duties, within Nigeria by the West African Examinations Council (Nigeria Status) Act, is hereby exempted from the provisions of the Companies Income Tax Act, 1961.

Exemption
of West
African
Examina-
tions
Council.
Cap. 217
1961, No. 22.

MADE at Lagos this 26th day of October, 1963.

F. S. OKOTIE-BOH,
Federal Minister of Finance

EXPLANATORY NOTE

This Order exempts the West African Examinations Council from the provisions of the Companies Income Tax Act, 1961.

850/C/VI

L.N. 139 of 1963

MINERALS ACT (CHAPTER 121)

**Prospecting (Areas and Minerals) Prohibition
(Amendment) (No. 4) Declaration, 1963**

Commencement : 7th November, 1963

In exercise of the powers conferred by section 8 of the Minerals Act, the Minister of Mines and Power of the Federation has made the following declaration—

1. This declaration may be cited as the Prospecting (Areas and Minerals) Prohibition (Amendment) (No. 4) Declaration, 1963 and shall apply throughout the Federation.

Short title
and appli-
cation.

Amendment
of P.N. 22
of 1946.
(Vol. IX
P.1443 1958
Laws L.N.
104 of 1963).

2. Immediately after paragraph 41 of the Prospecting (Areas and Minerals) Prohibition Declaration 1946 as amended by the Prospecting (Areas and Minerals) Prohibition (Amendment) (No. 3) Declaration, 1963 there shall be inserted the following new paragraphs :—

"42. The following area is hereby declared closed to prospecting for all minerals.

All that parcel of land known as Mines Reclamation Area No. 54, consisting of part of late Mining Lease No. 2633, in the Forom District of Plateau Province, and containing an area of 9.812 Acres, the boundaries of which are described below :—

Starting at a concrete pillar marked PB. P9910, the colony co-ordinates of which are :—

N 2.066 560.7 ; E 2 355 154.7, the boundaries consist of straight lines, the bearings and lengths of which are as follows :—

From	Bearing	Length	To
PB. P 9910	87° 18'	703.7 feet	P 9911
P 9911	85° 59'	538.2 feet	P 9912
P 9912	171° 59'	512.8 feet	P 9913
P 9913	274° 56'	438.0 feet	P 9914
P 9914	308° 48'	325.8 feet	P 9915
P 9915	260° 40'	562.1 feet	P 9916
P 9916	346° 59'	294.6 feet	P 9910

Bearings and lengths are approximate, and all bearings are referred to Colony North."

MADE in Lagos this 17th day of October, 1963.

S. MMP1160

YUSUFF MAITAMA SULE,
Minister of Mines and Power

L.N. 140 of 1963

THE LEGAL PRACTITIONER'S ACT, 1962 (1962, No. 33)

Standing Orders of the General Council of the Bar, 1963

Days and
Hours of
Meeting.

1. The meetings of the Council shall be held at such time and place and on such days, as the Chairman may from time to time determine.

Conveying
Meetings.

2.—(1) Subject to standing order 1, the Chairman may call a meeting of the Council at any time.

(2) If the Chairman refuses or neglects to call a meeting after a requisition for that purpose, signed by one-fourth of the total number of members of the Council has been presented to him or left with a reasonable person in his usual place of business, the same proportion of the total number of members of Council as demanded the meeting, may forthwith summon a meeting of the Council.

(3) At least twenty-one clear days before a meeting of the Council—

(a) notice of the time and place of the intended meeting, signed by the Secretary or by the members calling the meeting, shall be displayed prominently at the office of the Nigeria Bar Association in Lagos and the business proposed to be transacted thereat shall be specified ; and

(b) copies of such notice shall be left at, or sent by post, to the last known place of business or residence of each member: Provided that want of service of such notice on any member shall not affect the validity of a meeting.

3.—(1) The business to be transacted at any meeting of the Council shall be as prescribed by the Chairman.

(2) Except with the permission of the Chairman, or the consent of the members present, no business shall be transacted at a meeting of the Council other than that specified in the notice referred to in paragraph (3) of Standing Order 2.

(3) Any member may, subject to the approval of the Chairman, request the Council to consider any matter with respect to which the Council is competent to deal: Provided that the Chairman may require a member to submit a brief memorandum on the matter in question before considering whether to grant such request.

4.—(1) The Chairman shall preside at all meetings of the Council.

Chairman of Meetings.

(2) If the Chairman or the person for the time being performing his functions in accordance with Standing Order 5 is absent from a meeting of the Council, the member present who is most senior in accordance with the Table of precedence in the First Schedule to the Act shall preside.

5. Whenever the Chairman is away from Nigeria or his post is vacant, all the powers, functions and duties vested in or exercisable by him shall be performed by such other person as the Council may appoint at a meeting or, in default of such appointment, by the person for the time being performing the functions of the chairman of the Nigeria Bar Association.

Absence of Chairman from Nigeria.

6.—(1) Subject to the provisions of any enactment, all acts of the Council and all questions coming or arising before the Council, shall be done and determined by a majority of the members present and voting thereon at a meeting thereof.

(2) In the case of an equality of votes, the person presiding at the meeting whether or not he voted, in the first instance, may give a casting vote.

7. Minutes of the proceedings of a meeting shall be drawn up and typed or stencilled and shall be signed at the next ensuing meeting by the person presiding thereat, and any minutes purporting to be so signed shall be *prima facie* evidence of the proceedings and decisions at such meetings.

Minutes

8. Anything required to be done by the Council in relation to its functions under the Act or under these Standing Orders may be signified under the hand of the Chairman.

Signification of Acts, Documents etc. of the Council.

9.—(1) Subject to paragraph (5) of this Standing Order, there shall be two committees, consisting of not less than five nor more than nine persons, which shall be known as—

Committees.

(a) Finance and General Purposes Committee; and

(b) Rules of Conduct Committee.

(2) A Committee appointed under this Standing Order shall have power to co-opt legal practitioners who are not members of the Council provided that not more than one-third of the members of such committee may be so co-opted.

(3) The Finance and General Purposes Committee may be requested to make recommendations to the Council with respect to the Council's powers and functions under the Act, or these Standing Orders or the constitution of the Nigeria Bar Association, but so however that any such recommendation shall relate to matters other than those referred to in paragraph (4) of this Standing Order.

(4) The Rules of Conduct Committee may be requested to make recommendations to the Council as to the kind of conduct to be deemed as infamous conduct in a professional respect under the Act.

(5) Such other Committees may be appointed for such purposes as the Council may from time to time deem fit.

(6) Upon the appointment of a Committee under this Standing Order, the Council shall designate the chairman of such committee.

(7) Unless the Council otherwise decides, the Secretary shall be the secretary of any committee appointed under this Standing Order.

(8) Members of the Finance and General Purposes Committee or of the Rules of Conduct Committee shall hold Office for one year only but shall be eligible for re-appointment.

(9) All the powers vested in the Chairman shall *mutatis mutandis* be exercisable by the Chairman of a committee of the Council in respect of meetings of such committee: Provided that the chairman of a committee may prescribe any day of the week after the hour of 2.45 p.m. for a meeting of such committee, and provided further that he may give not less than three clear days notice of any meeting.

Annual
Statement.

10.—(1) The Council shall, with effect from July 1964, publish annually a statement of its proceedings which shall be sent to every legal practitioner whose name appears in the current Roll of Practitioners. Provided that the Council may, if occasion demands, publish such statements of its proceedings as it deems fit in addition to the Annual Statements.

(2) The Annual Statement shall contain a section setting out all the rulings or resolutions of the Council on matters considered to be infamous conduct in a professional respect under the Act and such rulings or resolutions shall be numbered serially: Provided that if there is no fresh ruling in the course of any one year, the Council shall only be obliged to send the last published annual statement to such practitioners as were enrolled since the date of its publication.

Revision of
Amendment
of Rulings
or Decisions
on Infamous
Conduct.

11.—(1) The rulings or decisions of the Council on matters considered to be infamous conduct shall not be reviewed or amended unless the Council is satisfied that it is necessary or expedient to do so after considering a resolution of the Nigeria Bar Association at a general meeting thereof requesting such review or amendment.

(2) The proposal for such review or amendment as is mentioned in paragraph (1) shall be supported by not less than two-thirds majority of the members of the Council present and voting at the meeting where the proposal is considered.

Co-option.

12. The Chairman may in his discretion invite any person to attend a meeting of the Council for any special or general purpose, and such person shall, to the extent that the Chairman considers it necessary or expedient, participate in discussions at the meeting; but he shall not be entitled to vote thereat.

13. "Chairman" means the chairman of the General Council of the Bar in accordance with the Legal Practitioners Act, 1962. Definitions.

"Council" means the General Council of the Bar.

"The Act" means the Legal Practitioners Act, 1962.

"The Secretary" means the person appointed as the Secretary of the General Council of the Bar.

MADE at Lagos this 19th day of October, 1963.

T. O. ELIAS,
Chairman of the General
Council of the Bar

L.N. 141 of 1963

THE LEGAL PRACTITIONERS ACT, 1962
(1962, No. 33)

The Legal Practitioners (Disciplinary Tribunal) Rules, 1963

Commencement : 7th November, 1963

In exercise of the powers conferred by paragraph 2 of the Second Schedule to the Legal Practitioners Act, 1962, and of all other powers enabling me in that behalf, I hereby make the following Rules—

1. These rules may be cited as the Legal Practitioners (Disciplinary Tribunal) Rules, 1963 and shall apply throughout the Federation. Citation and application.
2. In these rules—
 "Complainant" means any person who makes allegation of professional misconduct against a legal practitioner. Interpretation.
 "Secretary" means Secretary to the tribunal;
 "tribunal" shall include a division of the tribunal;
3. In any case where in pursuance of section 6 (3) of the Act the panel is of the opinion that a *prima facie* case is shown against a legal practitioner, the panel shall prepare a report of the case, and formulate any appropriate charge or charges, and forward them to the Secretary together with all the documents considered by the panel. Reference of case to tribunal by panel.
4. The Secretary shall refer the report and the charges to the Attorney-General who shall convene a division of the tribunal as set up in accordance with rule 5 thereof to hear the case. Attorney-General of Federation to convene a division of the tribunal.
- 5.—(1) Whenever any case of professional misconduct against a professional practitioner practising in a territory is referred to the tribunal by the panel such a case can be heard by a division of the tribunal of not more than eight members including a judge of a High Court, the Attorney-General or the Attorney-General of that territory, and at least two nominees of the association in the tribunal; provided that nothing in this rule shall prevent the tribunal from sitting with eight members. Constitution of a tribunal.
 (2) Five members of the tribunal including a Judge of the High Court shall form a quorum.
 (3) A Judge of a High Court present at any sitting of the tribunal shall be its Chairman.

Parties to the proceedings before the tribunal.

- 6.—(1) The parties to the proceedings before the tribunal shall be—
 - (i) The Chairman of the panel ;
 - (ii) The Legal practitioner whose conduct is the subject matter of the proceedings ; and
 - (iii) If the tribunal so direct, the complainant who may be represented by a legal practitioner.
- (2) The Attorney-General may appoint a legal practitioner to present the case before the tribunal.

Fixing of hearing day and service of notice thereof by the Secretary.

- 7.—(1) On the direction of the Chairman of the tribunal the Secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings.

Service of report of panel.

- (2) The Secretary shall serve on each party, other than the complainant, copies of the report and the charges prepared by the panel and all the documents considered by the panel.

Hearing in absence of parties.

8. If any party fails to appear at the hearing the tribunal may, upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

Re-hearing of case heard in absence of parties.

9. Any party who has failed to appear at the hearing may, within one calendar month from the pronouncement of the findings and direction of the tribunal, and upon giving notice to every other party and to the Secretary, apply to the tribunal for a re-hearing. The tribunal, if satisfied that it is just that the case should be re-heard, may grant the application upon such terms as to costs or otherwise as it deems fit.

Hearing of witnesses and reception of document.

10. The tribunal may in the course of its proceedings, hear such witnesses and receive such documentary evidence as in its opinion may assist it in coming to a conclusion as to the truth or otherwise of the allegations of misconduct referred to it by the panel.

Amendment of charges before the tribunal.

11. If in the course of the proceedings it appears to the tribunal that the charges forwarded to it by the panel require to be amended, or added to, the tribunal may permit such amendments or addition, as it shall think fit.

Representation by Counsel.

12. The tribunal shall give the legal practitioner whose conduct is the subject matter of the proceedings before it an opportunity to appear before it either in person or by a legal practitioner other than a member of the tribunal.

Penalty for giving false evidence.

13. If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purposes of any such proceedings, the tribunal shall refer the matter to the appropriate Attorney-General for necessary action.

Holding of proceedings in private and pronouncement of findings in public.
Adjournment.

14. The proceedings of the tribunal shall be held in private, but its findings and directions shall be pronounced in public.

15. The tribunal may, of its own motion, or upon the application of any party, adjourn the hearing upon such terms as to costs, or otherwise, as the tribunal shall think fit.

16. If, after the hearing, the tribunal adjudges that the allegations of infamous conduct in a professional respect, have not been proved, the tribunal shall record a finding that the legal practitioner is not guilty of such conduct in respect of the matters to which the allegation relates.

Findings of tribunal if legal practitioner is found not guilty.

17. If, after the hearing, the tribunal finds that the allegation of infamous conduct in a professional respect, has been proved, the tribunal may, if it thinks fit, give a direction—

Findings and direction of tribunal if legal practitioner is found guilty.

(a) ordering the registrar to strike the legal practitioner's name off the roll; or

(b) suspending that legal practitioner 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

(c) admonishing the legal practitioner.

18. The tribunal may without finding any misconduct proved against a legal practitioner, nevertheless order any party to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the tribunal shall think fit so to order.

Costs.

19. Subject to the provisions of section 7 of the Act (which relates to the lodging of appeal against the direction of the tribunal), any direction given by the tribunal in accordance with paragraph (a) or (b) of rule 17 hereof, shall be published in the *Official Gazette* of the Federal Republic of Nigeria as soon as such direction takes effect.

Publication of findings and direction of tribunal.

20.—(1) Shorthand notes of proceedings may be taken by a person appointed by the tribunal, and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

Record of proceedings.

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the tribunal, and to the bar Council, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Secretary.

(3) If no shorthand notes be taken, the Chairman of the tribunal shall take a note of the proceedings, and the provisions of this rule as to inspection and taking of copies shall apply to such note accordingly.

21. The tribunal may dispense with any requirement of these rules respecting notices, affidavits, documents, service, or time, in any case where it appears to the tribunal to be just so to do.

Dispensing with provisions of rules.

22. The tribunal may in any given case extend the time for doing anything under these rules.

Extension of time.

23. The tribunal may order that any books, papers, or other exhibits, produced or used at a hearing, shall be retained by the Secretary until such time within which an appeal may be entered has expired; and, if notice of appeal is given, until the appeal is heard or otherwise disposed of.

Exhibits and books to be kept by Secretary.

