

LEGAL PRACTITIONERS (AMENDMENT) DECREE 1974**Decree No. 25**

[24th June 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Legal Practitioners Act 1962 is hereby amended as follows :—
(a) in section 2A (as inserted by the Legal Practitioners (Amendment) Decree 1971)—

Amendment
of
1962 No. 33.
1971 No. 54.

(i) immediately after subsection (1) there shall be inserted the following new subsection :—

“(1A) The Body of Benchers shall be a body corporate with perpetual succession and a common seal.”;

(ii) for subsection (4) there shall be substituted the following subsection :—

“(4) 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 composition of the Benchers for the purpose of the exercise of any of the functions conferred on the Benchers under this Act and for the determining in connection thereto of any matter which, in the opinion of the Benchers, requires to be determined ; and

(c) providing, either generally or in respect of any particular case, for the discharge of the functions conferred on the Benchers under this Act.”

(b) in section 2B (as inserted by the Legal Practitioners (Amendment) Decree 1971) immediately after subsection (2) there shall be inserted the following new subsection :—

“(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.”

(c) immediately after section 2B there shall be inserted the following new section :—

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

2c—(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 letters patent 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.”

(d) in section 4 immediately after subsection (2B) (as inserted by the Legal Practitioners (Amendment) Decree 1971) there shall be inserted the following new subsection :—

“(2c) In respect of the year one thousand nine hundred and seventy-five and every subsequent year the practising fee payable by a person who is a Senior Advocate of Nigeria shall be forty-two naira and the provisions of subsection (2) above other than those prescribing the practising fees payable shall apply in respect of Senior Advocates of Nigeria as they apply in respect of other legal practitioners.”

(e) In the First Schedule—

(i) for item 2 there shall be substituted the following new item :—

“2. The Attorneys-General of the States in order of seniority as Senior Advocates of Nigeria and thereafter in order of seniority of enrolment.” ;

(ii) immediately after item 2 there shall be inserted the following new item :—

“3. Senior Advocates of Nigeria in order of seniority.” ; and

(iii) in the general words below item 6 immediately after the word “relevant” there shall be inserted the words “letters patent”.

2. This Decree may be cited as the Legal Practitioners (Amendment) Decree 1974. Citation.

MADE at Lagos this 24th day of June 1974.

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 amends the Legal Practitioners Act 1962 to make provisions therein with respect to the composition and certain of the powers of the Body of Benchers, and to provide for the conferment of a new rank of Senior Advocate of Nigeria on legal practitioners of not less than ten years standing.