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LEGAL PRACTITIONERS' ACT
CAP. L11, LAWS OF THE FEDERATION OF NIGERIA, 2004
LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE RULES, 2020



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LEGAL PRACTITIONERS' ACT
CAP. L11, LAWS OF THE FEDERATION OF NIGERIA, 2004
LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE RULES, 2020

[5th Day of March, 2020]

Commence-
ment.

In the exercise of powers conferred by section 10(7) of the Legal Practitioners' Act Cap. L11, Laws of the Federation of Nigeria, 2004 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 Committee Rules, 2020.

Short Title.

2. In these Rules—

Interpretation.

“*the Act*” means the Legal Practitioners Act, Cap. L11, as amended.

“*the Association*” means the Nigeria Bar Association.

“*Chief Justice*” means the Chief Justice of Nigeria.

“*Chairman*” means the Chairman of the Legal Practitioners Disciplinary Committee.

“*Applicant*” means a person making an Application.

“*Disciplinary Committee*” or “*the Committee*” means the Legal Practitioners Disciplinary Committee.

“*Official Members*” means the Attorney-General of the Federation or of a State, or the President or a Justice of the Court of Appeal, or the Chief Judge of a High Court.

“*Originating Application*” means an Application to the Disciplinary Committee in respect of any allegation or complaint made against a legal practitioner as defined under the Act.

“*Panel*” means members constituted by the Chairman to conduct hearings.

“*Registrar*” means the Chief Registrar of the Supreme Court of Nigeria.

“*The Roll*” has the definition assigned to it in the Act.

“*Unofficial Member*” means a member other than an official member.

“*Secretary*” means the Secretary to the Legal Practitioners Disciplinary Committee.

3.—(1) The Chairman at his discretion shall constitute panels for the hearing of Applications as the circumstances may require and each shall be headed by the Chairman or a Presiding member designated by the Chairman.

Constitution.

(2) A panel shall comprise of a minimum of 3 members of the Committee but no decision or proceeding of the Disciplinary Committee will be rendered invalid on the grounds of quorum other than as set out in the Interpretation Act.

Submission
of
Originating
Application.

4.—(1) An Originating Application by any person against a legal practitioner shall be forwarded in writing by the applicant or the person aggrieved to any of the following persons, that is—

- (a) the Chief Justice of Nigeria ;
- (b) the Attorney-General of the Federation ;
- (c) the President of the Court of Appeal or any Presiding Justice of the Court of Appeal ;
- (d) the Chairman, Body of Benchers ;
- (e) the President of the Nigerian Bar Association or the Chairman of a branch of the Nigerian Bar Association ; and
- (f) the Legal Practitioners Disciplinary Committee.

(2) An Originating Application received by any of the persons specified in sub-rule (1) of this rule other than sub-rule (1)(f) shall be forwarded within 30 days thereafter to the Legal Practitioners Disciplinary Committee which shall cause the Originating Application to be considered in the manner hereinafter provided.

(3) An Application to which this Rule applies must be sent to the named offices and shall be in accordance with forms provided for in these Rules with such variations as circumstances may require.

(4) The Originating Application must be supported by a statement of the allegation or complaint of misconduct, an Affidavit of facts setting out the allegations, the facts and matters supporting the Originating Application and each allegation contained within it and exhibiting the documents relied upon by the applicant.

(5) In the case of an Originating Application made by the Association, the Originating Application must be accompanied by—

- (a) sufficient copies of the Originating Application and supporting documents to enable the Committee to retain six complete sets and to serve one complete set on each respondent ;
- (b) a time estimate for the substantive hearing ; and
- (c) a schedule of the Association's costs incurred up to and including the date on which the Originating Application is made.

(6) In the case of a lay Application, the Application must be accompanied by three copies of the Originating Application and supporting documents and one further copy for each of the respondent.

5.—(1) An Application made in accordance with rule 4 shall initially be considered by a member of the Committee (“the initial committee member”) on the directive of the Chairman for consideration of the question of whether there is a case to answer in respect of the allegations made in the Originating Application.

Certification
of case to
answer.

(2) If the initial committee member considers that there is a case to answer in respect of any or all the allegations made and is not of the opinion that the question is one of doubt or difficulty then the initial committee member must certify that there is a case to answer.

(3) If the initial committee member is minded not to certify that there is a case to answer in respect of all or some of the allegations made or is of the opinion that the question is one of doubt or difficulty, the question must be considered by a panel of three members of the Disciplinary Committee. The initial committee member may be a member of the panel. If the panel considers that there is a case to answer in respect of any of the allegations made, then it must certify that there is a case to answer in respect of those allegations.

(4) If the panel decides that there is no case to answer in respect of any of the allegations made, it may refuse or dismiss the Originating Application, or part of it, without requiring the respondent to answer the allegations and without hearing the applicant. The applicant must be provided with written reasons explaining the decision.

(5) If a panel or committee member certifies that a case to answer is established in respect of all or any of the allegations made, the Secretary must serve a copy of each of the documents referred to in rule (4), (5) or (6), as the case may be, on each respondent.

6.—(1) An applicant who has made an Application to which this Rule applies may, subject to sub-rule (4), send supplementary statements to the Committee containing additional facts or matters on which the applicant seeks to rely or further allegations in support of the Originating Application.

Supplementary
Statements.

(2) A supplementary statement must be supported by an Affidavit of Facts setting out any new allegations, facts and matters supporting the Originating Application and each allegation contained within it and exhibiting any new documents relied upon by the applicant.

(3) In the case of an Originating Application made by the Association, when a supplementary statement is sent to the committee, the Association must provide—

(a) sufficient copies of the supplementary statement on oath and supporting documents to enable the Committee to retain six complete sets and to serve a complete set on each respondent ;

