Akaraiwe Associates

(Lex Rehoboth Partners)
Est. 1994. RC. No. 911958.

Barristers at Law
Senior Advocate of Nigeria
Notary Public Office

25th October 2022

The Legal Services Department,
Nigerian Bar Association,
National Secretariat,
Plot 1102, Muhammadu Buhari Way,
Central Business District,
Abuja.

Dear Sir,

UPDATE ON SUIT NO. OB / 27 / 2020: BEN OLOKO V. THE INCORPORATED TRUSTEES OF NIGERIA BAR ASSOCIATION:

JUDGMENT DELIVERED ON FRIDAY, THE 29th DAY OF JULY 2022

Pursuant to letters of instructions signed by Mrs. Joyce Oduah, former General Secretary, dated 30th November 2020, we were briefed by the NBA to handle her representation in this matter.

1. In an originating summons, the Plaintiff claimed the following reliefs against the Defendant:

a. A declaration that the Nigerian Bar Association is not a compulsory association to which every legal practitioner becomes a member automatically upon call to the Bar or commencement and/or continuance of the practice of the legal profession in Nigeria; but a completely private and voluntary organization of legal practitioners, who are interested in the set objectives of the association and have exercised their free volition to join and or/participate in the activities of the association per time.

b. A declaration that the Nigerian Bar Association lacks the power to increase the Annual Practising Fee for legal practitioners in Nigeria, same being a function reserved for the office of the Attorney-General of the Federation, hence the Annual Practising Fees remains as stipulated under the Legal Practitioners (Bar Practising Fees) Notice, 2002, viz: Senior Advocates of Nigeria (N20,000); Legal Practitioners of 15years or more standing post call (N10,000); Legal Practitioners of 10years or more standing but less than 15 years post call (N7500.00); Legal Practitioners of 5years or more standing but less than 10 years post call (N4, 000.00); Legal Practitioners of less than 5 years standing post call (N2,000. 00)

c. A declaration that the Nigerian Bar Association lacks the power to produce and/or issue stamp and seal to be used by all legal practitioners in Nigeria in a professed bid to curb the encroachment of quacks into the practice of

Principal Counsel: Ikeazor 'Kizor' Ajovi Akaraiwe, SAN, FICMC, FCIArb, D. litt. (honoris causa) - +234 803 333 4902
Head of Chambers & Public Interest Litigation: Joy O. Nnani, MCIArb +234 803 791 0286
Head, Litigation (General): Ejikeme W. Oji - +234 703 926 8883
Head, Transactional Practice / ADR: Chinelo V. Chijioke - +234 807 502 5474
Head, Law Report / Legal Research: Jane Ogba-Ndukwe - +234 706 806 8515
FCT Abuja Chambers: C.B. Nwogu - +234 816 596 3151,
Delta State Chambers (Asaba): Rita Ossai - +234 703 450 3187,
(Warri): Ijeoma Malasowe - +234 814 687 8605.

the legal profession, same function having been conferred on the Registrar of the Supreme Court by statute.

d. An order of perpetual injunction restraining the Defendant either by itself or its agent(s) or servant(s) from imposing any form of structures and or/duties and//or obligations on the Plaintiff and indeed all other legal practitioners, who may opt not to belong to the Defendant's association, (including payment of annual dues; mandatory acquisition and use of Nigeria Bar Association seal and stamp on processes and documents) tends in any way to constitute the Defendant as a general umpire, overseer and/or superintendent of all legal practitioners in their practice of the legal profession in Nigeria, including the Plaintiff and other legal practitioners, who may choose not to be members of the Defendant's association.

2. The issues for determination as formulated by the Plaintiffs and adopted by the Defendant are as follows:

3. Whether the membership of the NBA is mandatory for all legal practitioners and therefore automatic upon call to Bar and/or on commencement and/or continuance of the practice of the Legal profession in Nigeria.

a. Resolution:

Resolved in favour of the NBA by the Court, based on previous decisions of superior courts which are binding on the High Court of Enugu State and also are the current position of the law.

The Court held that membership of the NBA was binding on all Legal Practitioners in Nigeria.

4. Whether the NBA has the power under the law to determine (increase or decrease) tax and/or collect Annual practicing fees for legal in Nigeria.

a. Resolution:

Resolved in favour of the Plaintiff. The Court held that the NBA has no business in the collection of practicing fees direct from Legal Practitioners in Nigeria because it has no lawful power to do so based on the Legal Practitioners Act which empowers the Chief Registrar of the Supreme Court to collect the practicing fees and disburse same in accordance with the law.

5. Whether the NBA has power and/or authority to produce seal and stamps that all legal practitioners, whether they belong to the NBA or not, must affix on processes they prepare for same to be cognizable under the law.

Resolution: This issue was declared to be no longer a live issue as same was withdrawn by the Plaintiff arising from the supervening action of the Attorney-General of the Federation which the Plaintiff acknowledged.

6. **Jurisdiction:**
The issue of jurisdiction raised by us on behalf of the NBA was resolved in favour of the plaintiff as the Court held that it has the requisite jurisdiction to hear and determine the reliefs of the Plaintiff. The Court held that there was nothing in the three cases we cited that indicated that the issue of lack of jurisdiction featured prominently.

7. **Summary and Conclusion:**
In conclusion, this judgment is largely in favour of the Nigerian Bar Association in that it held as follows:

(i) It is compulsory for every Lawyer called to the Nigerian Bar to become a member of the NBA.

(ii) The NBA has the power to increase or decrease tax/practicing fees. However, it cannot continue to engage in direct collection of the practicing fees of lawyers in Nigeria, that being the duty of the Chief Registrar of the Supreme Court, and has been restrained from doing so.

All other reliefs claimed by the Plaintiff as reproduced earlier were dismissed, however, a cost of N50, 000.00 (Fifty Thousand Naira) only was awarded against the NBA and in favour of the Plaintiff.

A certified true copy of the judgment is sent along with this report.

8. **Parties:**
Plaintiff in person;
Defendant represented by Ikeazor Akaraiwe, SAN with E.W. Oji, Esq.

Thank you.
Yours Faithfully,
For: Akaraiwe (SAN) Associates
Chidera Ikemba, Esq.

IN THE HIGH COURT OF ENUGU STATE OF NIGERIA
IN THE OBOLLO-AFOR JUDICIAL DIVISION
HOLDEN AT OBOLLO-AFOR
BEFORE HIS LORDSHIP, HON. JUSTICE R. O. ODUGU –JUDGE
ON FRIDAY THE 29TH DAY OF JULY, 2022

Suit No.: OB/27/2020

Between

Ben Oloko - **Plaintiff**

And

The Incorporated Trustees of Nigerian Bar Association (NBA) - **Defendant**

JUDGMENT

On the 6th day of August, 2020; the Plaintiff filed an Originating Summons dated the 10th day of July, 2020 in which he has claimed the following reliefs against the Defendant.

1. A declaration that the Nigerian Bar Association is not a compulsory association to which every legal practitioner becomes a member automatically upon call to the Bar or commencement and/or continuance of the practice of the legal profession in Nigeria; but a completely private and voluntary organization of legal practitioners, who are interested in the set objectives of the association and have exercised their free volition to join and/or participate in the activities of the association per time.

2. A declaration that the Nigerian Bar Association lacks the power to increase the Annual Practising Fee for legal practitioners in Nigeria, same being a function reserved for the office of the Attorney-General of the Federation, hence the Annual Practising Fees remains as stipulated under the Legal Practitioners (Bar Practising Fees) Notice, 2002, viz: Senior Advocates of Nigeria (₦20,000.00); Legal Practitioners of 15 years or more standing post call (₦10,000.00); Legal Practitioners of 10 years or more standing but less than 15 years post call (₦7,500.00); Legal Practitioners of 5 years or more standing but less than 10

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years post call (₦4,000.00); Legal Practitioners of less than 5 years standing post call (₦2,000.00).

3. A declaration that the Nigerian Bar Association lacks the power to produce and/or issue stamp and seal to be used by all legal practitioners in Nigeria in a professed bid to curb the encroachment of quacks into the practice of the legal profession, same function having been conferred on the Registrar of the Supreme Court by statute.

4. An order of perpetual injunction restraining the Defendant either by itself or its agent(s) or servant(s) from imposing any form of strictures and/or duties and/or obligations on the Plaintiff and indeed all other legal practitioners, who may opt not to belong to the Defendant's association, (including payment of annual dues; mandatory acquisition and use of Nigerian Bar Association seal and stamp on processes and documents) that tends in any way to constitute the Defendant as a general umpire, overseer and/or superintendent of all legal practitioners in their practice of the legal profession in Nigeria, including the Plaintiff and other legal practitioners, who may choose not to be members of the Defendant's association.

The originating summons is supported by an affidavit of ten (10) paragraphs deposed to by the Plaintiff himself. In paragraphs 2 – 9 of the said affidavit, the Plaintiff has deposed as follows:

2. That on the 5th day of February, 2020; I went to Access Bank, Enugu Road, Nsukka branch and paid the Annual Practising fee.

3. That the Annual Practising Fee paid as stated above was for the year 2020 legal year. A computer printout of the payment receipt given to me at Access bank, Enugu Road branch, Nsukka is hereby attached and marked as Exhibit A. That on the same date and place as above, I proceeded to further pay for the Nigeria Bar Association (NBA) stamp and seal fees into the NBA bank account which is as follows:

Account Name:	**Nigerian Bar Association**
Account Number:	**0694192920**.
Bank:	**Access Bank**.

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4. The computer printout of the receipt of the payment for the said NBA stamp and seal is hereby attached and marked as Exhibit B.

5. That in accordance with the directives on the face of the "Stamp Application Form", which states clearly as follows": please note that only lawyers whose data has been verified and stored in the NBA data base will be able to process application for stamp. Please forward your form to your Local Branch Chairman with the original copy of your payment teller/receipt." I proceeded to forward my application form to the Chairman, Obollo Afor Branch of the Nigerian Bar Association through the Secretary of the Branch. A copy of the application form containing the instructions quoted above is hereby attached and marked Exhibit C.

6. That I met the Secretary, Nigerian Bar Association, Obollo Afor Branch and he informed me on the same day that the standard practice and procedure across all the Nigeria Bar Association branches was that for the branch to receive and process my application for the stamp, I must also be a "financially up-to-date" member of the association, having paid up the branch dues and other sundry levies, including marriage and burial levies of members of the Nigerian Bar Association, Obollo Afor Branch who had respectively married and/or passed on.

7. That very reluctantly, I further paid the sum of ₦3,000.00 (three thousand naira) being the annual Nigerian Bar Association branch dues in order to be of good standing so as to have my application for the NBA stamp and seal processed. The receipt of payment of the branch dues is hereby attached and marked Exhibit D.

8. That on the 5th day of July, 2020, in my office and in the course of my preparation of the processes to be filed in this suit, I found the following description; "The Nigerian bar Association (NBA) is the non-profit, umbrella professional association of all lawyers admitted to the Bar in Nigeria". A printout of the "About us" page of the Nigerian Bar Association website, namely http.www.nigerianbar.org.ng is hereby attached and marked as Exhibit E.

9. That on the same date and place, I discovered that the increment of the Annual Practising Fee payable by all legal practitioners in Nigeria was increased unilaterally by the Nigerian Bar Association via a circular dated April 6, 2012.

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Learned counsel who filed this action has also filed a written address dated 10th July, 2020; and filed on 6th August, 2020, in which he has canvassed several arguments and made submissions in support of the reliefs sought in the Originating Summons.

In its reaction to the originating summons and the other accompanying processes issued and served upon it, the Defendant has filed a Counter Affidavit of 11 paragraphs. Two documents have been annexed to the Counter Affidavit, which was made on 13th January, 2021, and marked Exhibits A and B. In the Counter Affidavit which has been deposed on behalf of the Defendant by one Ejikeme Wilson Oji Esq., a legal practitioner, it has been deposed in paragraphs 2 – 10 as follows:

2. That I have the consent and authority of both the Defendant and my employer to depose to this affidavit.

3. That I know for a fact and as a Legal Practitioner that the Annual Bar Practising fees are paid to the Supreme Court of Nigeria as follows:

   Account Name: **Supreme Court of Nigeria**

   Account Number: **0000976716**

   Bank: **Access Bank**

4. That I know for a fact that the amount of fees paid by Legal Practitioners in Nigeria are as approved by the Chief Registrar of the Supreme Court and the Hon. Attorney-General of the Federation as stated and provided on the face of Supreme Court Teller for payment of Bar Practicing Fees herewith annexed as Exhibit A.

5. That I know for a fact that the Chief Registrar of the Supreme Court of Nigeria collects the Bar Practicing Fees and not the Nigerian Bar Association.

6. That I know for a fact that before one is called to the Bar, one must have paid the Bar Practicing Fees for the year of call.

7. That I know for a fact that in paying Bar Practising Fees for the first time, one must choose a branch of the Nigerian Bar Association to belong and indicate same on the face of the Supreme Court Teller for payment of Bar Practicing Fees.

8. That I was called in 2009 and I paid my Bar Practicing Fees for the first time as such before my call to the Bar on the 6th day of November, 2009. A copy of the

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Supreme Court Teller for payment of my first Bar Practicing Fees in 2009 is herewith annexed as Exhibit B.

9. That membership of the Nigerian Bar Association is a condition precedent to one being called to the Nigerian Bar.

10. That I also know for a fact that the Stamp and Seal approved by the Nigerian Bar Association has been approved and sanctioned by the Supreme Court of Nigeria.

Learned counsel for the Defendant has filed a Written Address dated the 8th day of January, 2021 and filed on 13th January, 2021. The written address contains counsel's arguments and submissions against the reliefs sought in the Originating Summons. It is on record that on the 8th day of June, 2021, all the processes filed by both parties were adopted in the open court. Thereafter, further proceedings were affected by unforeseen circumstances including a belated challenge of the jurisdiction of this court to entertain the suit of the Plaintiff. It will be appropriate to revisit some of the events in this judgment.

After the adoption of the process filed by the parties on the 8th July, 2021, the case was adjourned to 8th day of September, 2021 for judgment. But the subsequent declaration of the vacation period for the year 2021, affected the date of judgment. Again, activities for the new legal year of 2021/2022 affected the early resumption of the sittings of the court. Within the same period, a new Judicial Division of the State High Court was created and named Orba Judicial Division out of Obollo Afor Judicial Division, where the originating summons was filed. Case files were soughted out by the Registry, in the course of which the originating summons was sent to the new Judicial Division, where it administratively belonged, pending an assignment order by the Hon. Chief Judge of Enugu State. The case was given a new Suit No. ORB/27/2020. On 2nd November, 2021, the Plaintiff appeared in person in High Court Orba (the new Judicial Division) and applied to the learned presiding judge to send the case file back to Obollo Afor Judicial Division, so that judgment could be delivered in the case. The presiding Judge directed the Assistant Chief Registrar to send the case back to the former court. The directive followed the template of the Head of the Judiciary on assignment of cases after the transfer of Hon. Judges of the State High Court.

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On 16th November, 2021, the learned silk for the Defendant filed a preliminary objection dated 15th November, 2021, in which he urged the court to dismiss the suit for lack of jurisdiction.

A major event that severally disrupted the proceedings of this case and all other cases in Obollo Afor Judicial Division was the burning down of the Court Hall by unknown persons on the 30th day of September, 2021. The court could not sit on this case until the temporary relocation of the High Court Obollo Afor to the Chief magistrate Court Building. On 25th March, 2022, there was call over of cases. But none of the parties in this case appeared in court. The court adjourned the case to enable the parties appear before it so that the fate of the preliminary objection for lack of jurisdiction would be resolved one way or the other.

On the 29th day of April, 2022, both parties appeared in court. The learned silk for the Defendant addressed the court on the supervening acts that made it impossible for the court to sit in the past. He further stated that in the course of time, he had come across facts and law on lack of jurisdiction, which can be raised at any time, even on appeal. He sought for the leave of court to argue the preliminary objection. His application was vehemently opposed by learned counsel who appeared in person for the Plaintiff on the ground that what the learned silk wanted to do is strange under the Rules of this court. He had refused service of the preliminary objection on him until this court intervened. At the end of the day's proceedings on 29th April, 2022, the preliminary objection was struck out because in the view of the court, there was nothing preliminary in an objection, which was filed after the substantive case had been adjourned for judgment.

However, in the exercise of the judicial powers vested on it, this court, in its wisdom, reopened the case and raised the issue of whether it has the requisite jurisdiction to hear and determine the originating summons in the light of the provisions of Section 251 (1) (e) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the relevant provisions of the Companies and Allied Matters Act. Both counsel were invited to file written addresses on the issue.

On 20th May, 2022, both the Plaintiff and the learned silk adopted their written address on the issue raised suo motu by court after which this case was adjourned for this judgment.

On 8th June, 2021, when the Plaintiff adopted his processes, he informed this court that the 3rd relief in the Originating Summons had been overtaken by events following

the directive by the Attorney General of the Federation which was to the effect that the use of stamp and seal of the NBA should be dispensed with. This shift in position has left reliefs 1, 2 and 4 outstanding for determination in this judgment. But it is expedient to make a formal order striking out relief 3 in the originating summons and I do so order.

The issues for determination in this judgment as formulated by the Plaintiffs are as follows:

1. Whether the membership of the Nigerian Bar Association is mandatory for all legal practitioners and therefore automatic upon call to the Bar and/or on commencement and/or continuance of the practice of the legal profession in Nigeria.

2. Whether the Nigerian Bar Association has the power under the law to determine (increase or decrease) tax and/or collect Annual practising fees for legal practitioners in Nigeria.

3. Whether the Nigerian Bar Association has power and/or authority to produce seal and stamps that all legal practitioners, whether they belong to the Nigerian Bar Association or not, must affix on processes they prepare for same to be cognizable under the law.

In his written address, learned counsel for the Defendant has adopted the above three issues which were formulated by the Plaintiff in his written address. But following the withdrawal of the 3rd relief in the Originating Summons arising from the supervening action of the Attorney-General of the Federation, which the Plaintiff has acknowledged in this court, the above third issue is no longer a life issue that will be determined in this judgment. In other words, what this court has to resolve are issues Nos. 1 and 2 which have been formulated by the Plaintiff and adopted by the defence.

It is important to add that the issue of jurisdiction which this court has raised suo motu and thereafter received inputs from both parties must be added as a crucial issue that has to be resolved first before the other outstanding two issues for determination in this judgment.

On the issue of jurisdiction to entertain this action, it has been submitted on behalf of the Defendant that in so far as the Defendant is a body registered under the Companies and Allied Matters Act, all suits relating to or affecting the Defendant must be commenced in the Federal High Court, which has exclusive jurisdiction on such

matters pursuant to Section 251 (1) (e) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). But the Plaintiff has vehemently disagreed with this postulation. According to him, this court has the requisite jurisdiction to hear and determine the Originating Summons based on the proper construction of the phrase "operation of the companies" incorporated under the Companies and Allied Matters Acts.

It has been submitted by the Plaintiff that the two cases that have been cited and being relied upon by the Defendants emanated from the High Court of the States from where they went on appeal to the Court of Appeal. The two cases are *NBA V Kehinde (2017) 11 NWLR (Part 1576) at 250 – 251* and *Chinwo Vs Owhonda (2008) 3 NWLR (Part 1074) 341*. The Plaintiff has told this court that while the first case was decided by *Opeyemi Oke J* of the High Court of Lagos State on 18th June, 2012, the second case was decided by the Chief Judge of Rivers State on 29th March, 2004 after which the matters went to the Court of Appeal. The Plaintiff has also stated that the case of *Fawehinmi V NBA (1989) 2 NWLR (Part 105) 558* was equally decided by the Chief Judge of Lagos State after which the case went on appeal to the Court of Appeal. He has submitted that this court is fully clothed with jurisdiction to determine this suit as it simply relates to the powers, rights and privileges of a private association. He has urged this court not to follow the Defendant, who has stretched the import of Section 251 (1) (e) of the Constitution beyond its elastic limit. Instead, this court should assume jurisdiction as the operations of banks including undertakings, lending and borrowing are subject matters of suits filed in courts, other than the Federal High Court.

The Defendant has countered the above submissions of the Plaintiff by contending that it is the Plaintiff's claim that determines the jurisdiction of the court. Counsel has relied on the case of *Okelezoh & Ors Vs Izuage & Anor (supra)*. Learned defence counsel has made copious reference to the reliefs sought by the Plaintiff in this originating summons in the light of the provisions of sections 343 and 344 of the Companies and Allied Matters Act, 2020. The summary of his submission is that the plaintiff's claims in this suit touch directly on the operation of the Nigerian Bar Association incorporated under the Companies and Allied Matters Act, and as such, the subject matter of this action is within the exclusive jurisdiction of the Federal High Court.

I have carefully reviewed the arguments and submissions of both counsel on the issue of the jurisdiction of this court to hear and determine the claims of the Plaintiff as per the originating summons. The Plaintiff has given this court the background report on how the three cases which have been cited by both the Plaintiff and the Defendant in

this court were filed and determined in the State High Courts after which appeals against the High Court decisions were lodged in the Court of Appeal. These cases are:

1. *Kehinde Vs NBA (supra).*

2. *Fawehinmi Vs NBA (supra).*

3. *Chinwo Vs Owhonda (supra).*

The issues decided in the case of *Chinwo Vs Owhonda (supra)* are similar to the reliefs being claimed in this action. In all the above three cases, there is nothing to indicate that the issue of lack of jurisdiction featured prominently. This court is therefore, in agreement with the submissions of the Plaintiff that it has the requisite jurisdiction to hear and determine the reliefs of the Plaintiff in the originating summons filed by him. In consequence therefore, the issue of jurisdiction is resolved in favour of the Plaintiff.

For the sake of brevity and bearing in mind that there are decisions of superior courts on similar issues that calls for determination in the remaining two issues formulated by the Plaintiff and adopted by the defence, I shall not review in details the several contentious arguments in the written addresses of both counsel.

On whether membership of the Nigerian Bar Association is mandatory for all legal practitioners, this court is not allowed to swim against the tide. The summary of the current position of the law as decided by superior courts is that membership of Nigerian Bar Association is automatic upon being called to the Bar. The learned silk has summarised the facts as follows:

a. The decision to be a legal practitioner in Nigeria and be called to the Nigerian Bar is not compulsory.

b. Before one is called to the Bar, one must have paid the Bar practising fees for the year of call.

c. In paying Bar practising fees for the first time, one must choose a branch of the Nigerian Bar Association to belong and indicate same on the face of the Supreme Court Teller for payment of bar practising fees.

d. Membership of the Nigerian Bar Association is a condition precedent to one being called to the Nigerian Bar.

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In the Court of Appeal case of *Chinwo V Owhonda (supra)* Omage JSC held that:

> "There is automatic membership of the Bar Association on a lawyer upon being called to the Bar".

The first issue of whether the membership of the Nigerian Bar Association is compulsory is hereby resolved in favour of the Defendant based on the decision of a superior court which is binding on this court.

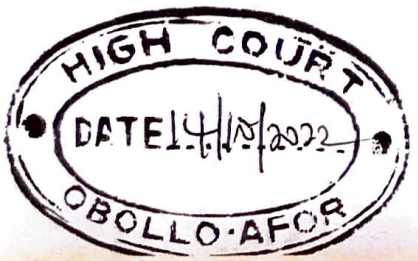
The Plaintiff in this action has queried the powers of the Nigerian Bar Association to determine and collect the practising fees payable by legal practitioners in Nigeria. A careful perusal of Exhibits A and B annexed to the Counter Affidavit of the Defendant clearly shows that the practising fees were paid into the account of the Supreme Court of Nigeria. In contrast, the Plaintiff has displayed Exhibit A which purports to be an Access Bank Payment Receipt for the sum of ₦10,000.00 (ten thousand naira) as NBA Bar practising fees. The other payment for stamp and seal is no longer relevant in this judgment. According to the data in Exhibit A, which is annexed to the affidavit in support of the Originating Summons, the Plaintiff paid the Bar Practising Fees of ₦10,000.00 (ten thousand naira) on 5/2/2020. It is boldly written in Exhibit A as follows:

> "Nigerian Bar Association Collections". On the other hand the learned silk and his junior in chambers have exhibited their own deposit slip of the same Access Bank with the title: "Supreme Court of Nigeria (BPF) Deposit slip".

It has been contended by the Plaintiff that the Nigerian Bar Association has no business under the Legal Practitioners Act to determine the amount of practising fees and collect same from legal practitioners in Nigeria. According to him, where the provision of a statute is clear and unambiguous, the court must give the word of the statute its literal interpretation and has no duty whatsoever on going on a voyage of discovery. He has commended the decision of the Supreme Court on this point in the case of *Aromolaran Vs Agoro (2015) All FWLR (Part 766) 577 at 597*.

The relevant sections of the Legal Practitioners Act on the payment of practising fees by legal practitioners in Nigeria are Sections 8 (2), 8 (3) (a), (b) and (c) provide as follows:

> 8 (2): No legal practitioner ... shall be accorded the right of audience in any court in Nigeria in any year unless he has paid to the Registrar in respect of that year, a practising fee as is from time to time



prescribed by the Attorney General of the Federation after consultation with the Association.

8 (3) The Registrar shall

(a) Issue to every person to whom a practising fee is paid in respect of any year, a receipt for the fee in the prescribed form.

(c) Pay over to the Association as, soon as may be after the end of each year, a sum equal to nine tenths of the aggregate amount of the practising fees received by him in pursuance of this section during the year.

And a receipt purporting to be issued and list purporting to be printed in pursuance of this subsection in respect of each year shall be evidence that the named person in the receipt or as the case may be, that any person named in the list has paid to the Registrar the practising fee in respect of that year.

The Plaintiff has argued that it is not open to the Nigerian Bar Association to usurp the statutory functions of the Chief Registrar of the Supreme Court, which has no provision for delegation. Counsel has also submitted that while it is the statutory duty of the Attorney General of the Federation to determine the amount of practising fees payable by legal practitioners in Nigeria in consultation with the Association, it is also the statutory duty of the Chief Registrar of the Supreme Court to collect the practising fees and disburse same in accordance with the law.

It appears to this court that the learned silk for the Defendant does not have a different view on the extant provisions of the Legal Practitioners Act as expounded by the Plaintiff. Instead, the defence has exhibited appropriate documents to show that both the learned silk and his junior in chambers paid their Bar practising fees direct to the Supreme Court in accordance with the law.

In the final analysis, this court is satisfied that the Plaintiff's claim with reference to the statutory functions of the determination of the amount of the practising fees and collection of same is faultless. This court cannot agree more than to uphold the sound argument of the Plaintiff that the Nigerian Bar Association has no business in the collection of practising fees direct from Legal Practitioners in Nigeria because, it has no lawful power to do so. The second issue for determination is hereby resolved in favour of the Plaintiff.

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In resolving the issue in favour of the Plaintiff, this court is aware of the decision of the Supreme Court in the case of *Chinwo Vs Owohonda (supra)* where it was held that once a person has made the choice to study law and practice law thereby placing his name on the roll of honours of belonging to the profession, he stands bound by the internal rules and regulations of the Association. This court is of the strong view that no rules or regulations made by the Nigerian Bar Association can stand against statutory provisions in an Act made by the National Assembly.

In conclusion therefore, this court hereby makes a declaration that the Nigerian Bar Association (NBA) lacks the power to carry out direct collection of practising fees from legal practitioners in Nigeria and/or usurping the statutory functions of the Chief Registrar of the Supreme Court of Nigeria, who is legally empowered by law to collect practising fees from legal practitioners and thereafter disburse same in accordance with the extant provision of section 8 (3) (c) of the Legal Practitioners Act, LFN 2004.

This court further makes a consequential order of perpetual injunction restraining the Defendant from usurping the statutory functions of the Chief Registrar of the Supreme Court and engaging in direct collection of the practising fees from legal practitioners in Nigeria.

Other reliefs that have been claimed by the Plaintiff in this suit are hereby dismissed. However, the Plaintiff is entitled to the costs of this action which is assessed to be ₦50,000.00 (fifty thousand naira) only.

JUDICIARY ENUGU STATE No B5603613

Appearances:

Plaintiff present.

Defendant absent.

Plaintiff in person.

E. W. Oji Esq. holding the brief of Ikeazor Akariwe Esq., SAN for the Defendant.

C.T.C. of 12 folios @ ₦50.00 per folio = ₦600
Certified — ₦800
Palmer No 1040120
of 14/10/2022

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R. O. ODUGU
(Judge)
29/7/2022

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