



**BODY OF BENCHERS REGULATIONS**

**MADE PURSUANT TO THE**

**LEGAL PRACTITIONERS ACT, 2014  
(AS AMENDED)**

**LAWS OF THE FEDERATION OF NIGERIA**

## **BODY OF BENCHERS REGULATIONS**

Made pursuant to Section 3 (5) of the Legal Practitioners Act, 2014  
(As Amended)

Commencement: .....

### **1. Membership**

(1) Without prejudice to the provisions of subsection (1) of Section 3 of the Legal Practitioners Act, the Body of Benchers (herein after in these Regulations referred to as “the Body”), shall comprise of the following members:

- a) the Chief Justice of Nigeria and all the Justices of the Supreme Court;
- b) the President of the Court of Appeal;
- c) the Attorney General of the Federation and Minister of Justice;
- d) the Presiding Justices of Court of Appeal Divisions;
- e) the Chief Judge of the Federal High Court;
- f) the Chief Judge of the Federal Capital Territory, Abuja;
- g) President, National Industrial Court of Nigeria;
- h) the Chief Judges of the States of the Federation;
- i) the Attorneys General of the States of the Federation;
- j) President of the Senate (where he or she is a lawyer);
- k) Speaker of the House of Representatives (where he or she is a lawyer);
- l) Chairmen of the National Assembly Committees on Judiciary (where he or she is a lawyer);
- m) Chairman of the Council of Legal Education;
- n) the President of the Nigerian Bar Association;
- o) thirty legal practitioners nominated by the Nigerian Bar Association; and
- p) such number of persons, not exceeding thirty, who appear to the Body of Benchers to be eminent members of the legal profession in Nigeria of not less than 15 years post-call standing. Provided that such appointment is spread across the Bar and the Bench.

(2) A Bencher shall cease to be a member of the Body if:

- a) he is dismissed or suspended by the Body for misconduct;

- b) he resigns his membership;
- c) he no longer occupies the position through which he became a Bencher.

**2. Chairman and Vice Chairman of the Body**

(1) Subject to Paragraph (2) and (4) of this Regulation, there shall be a Chairman and Vice Chairman of the Body of Benchers.

(2) The Chairman and Vice Chairman shall each hold office for one year beginning in April of the one year and ending in March of the next year.

(3) Upon the completion of the term of office of the Chairman or upon the Chairman ceasing to be Chairman, the Vice Chairman shall succeed him as Chairman.

(4) Upon the Vice Chairman becoming Chairman of the Body as stated in the preceding paragraph, the office of the Vice Chairman shall become vacant, and shall be filled by election by members present and voting at the meeting of the Body of Benchers called for that purpose or such other mode as the Body may deem fit to adopt:

Provided that any election to the office of the Vice Chairman shall be made in such a manner that in any year in which the Chairman is a member of the Bench, the Vice Chairman shall be from the Bar; and where the Chairman is a member of the Bar, the Vice Chairman shall be from the Bench.

(5) Eligibility for appointment as Chairman and Vice Chairman shall be on the basis of seniority among the active Life Benchers. Seniority shall be determined by the date a Bencher becomes a Life Bencher.

(6) In addition to the offices of the Chairman and Vice Chairman, the Body may from time to time create and designate such other offices as it may consider necessary for the purposes of performing its functions.

(7) A former Chairman who ceases to hold office, may, so long as he remains a member, be conferred with such functions and facilities as the Body may from time to time direct.

**3. Vacancy in the Office of Chairman and Vice Chairman.**

- 1) Where an incumbent Chairman dies in office, resigns or is removed from office or becomes permanently incapacitated, the Vice Chairman shall automatically become the Chairman and there shall be an election for a new Vice Chairman.

- 2) The Chairman who emerges in accordance with the paragraph 3 (1) above shall hold the office for the un-expired term of the Chairman and thereafter serve his own term.
- 3) Where an incumbent Vice Chairman dies in office, resigns or is removed from office or becomes permanently incapacitated, there shall be an election for a new Vice Chairman to complete the tenure of the Vice Chairman and thereafter appointed to serve as the Chairman of the Body.

#### 4. **Life Membership**

- 1) There shall be such number of Life Benchers as the Body may decide.
- 2) Where the Chief Justice of Nigeria is not a Life Bencher, he shall automatically become a Life Bencher.
- 3) Appointment of Life Benchers and increase in the number of Life Benchers shall be at the discretion of the Body of Benchers.
- 4) Appointment shall be made subject to the availability of vacancies or at such a time that the Body deems it fit to make.
- 5) The appointment shall be in such a manner that any member whether from the Bench or the Bar who is qualified would be given due consideration.
- 6) The relevant Committee of the Body shall recommend persons who are eligible for appointment as Life Benchers.
- 7) For a member to be qualified for consideration for appointment as a Life Bencher, such a member must have:
  - a) Served as an active Bencher consistently, conscientiously and meritoriously for five consecutive years;
  - b) Attained a minimum of:
    - i. Fifty percent (50%) of attendance in all meetings of the Body for a period of at least five years
    - ii. One Call to Bar ceremony in each year for a period of at least five years
    - iii. 50 percent (50%) attendance at Traditional Law Dinners held at the various campuses of the Nigerian Law School for a period of at least five years.
  - c) Contributed immensely to the development of the Body.

- d) Notwithstanding the provision of Regulation 4 (7) above, the Body may in its discretion alter the qualifications above where the circumstances require so.

## **5. Tenure of Office for Benchers**

- 1) Persons appointed Benchers under Paragraph 1 (1) (a) to (n) of this Regulation shall serve as Benchers for the period of which they occupy the office by virtue of which they were appointed Benchers. Such persons shall cease to be Benchers at the expiration of their term of office or upon retirement whichever comes earlier.
- 2) Persons appointed as Benchers pursuant to Paragraph 1 (1) (o) and (p) of this Regulation shall serve as members for a period three (3) years. The tenure of office may be renewed for a further term of three years and no more.
- 3) Subject to the provisions of paragraph 1 (2) of this Regulation, a person appointed a Life Bencher shall remain so for life.
- 4) For a Bencher to be so qualified for renewal of tenure, he or she must have participated actively in the activities of the Body and fulfilled the minimum requirement as the Body may provide by resolution.

## **6. Secretary of the Body of Benchers**

- (1) The Body shall appoint a Secretary who shall be the head of the Secretariat and shall be responsible for the execution of policy and the day to day running of the affairs of the Body.
- (2) The appointment of the Secretary shall be carried out by the Body of Benchers upon recommendation by the relevant Committee on Staff Matters.
- (3) The Committee shall determine the mode and criteria for the appointment giving due consideration to merit, competence and accountability.
- (4) The Secretary shall be placed on a consolidated remuneration and the applicable condition of service shall be in line with extant rules and regulations governing the Judiciary.
- (5) The Secretary shall be the accounting officer responsible for the administration of the Secretariat, keeping of the books and

records, ensure statutory compliance and render financial returns to relevant authorities.

- (6) The Secretary shall perform such other duties and functions as outlined in the Body of Benchers Regulations or as may be assigned to him by the Body.

#### **7. Staff of the Body of Benchers**

- (1) The Body shall have powers to employ such number of staff as it deemed necessary for the performance of its duties. The designation for the categories of staff shall be determined by the Secretary.
- (2) The manner of employment shall be determined by the relevant Committee of the Body of Benchers on Staff Matters.
- (3) All staff of the Body shall be under the supervision of the Secretary.
- (4) The Body may make rules and regulations, including but not limited to the Scheme of Service and Condition of Service in line with extant laws.

#### **8. Meetings of the Body**

- (1) The Body shall meet at least four times in a year.
- (2) Where in the opinion of the Chairman there is need to hold an emergency meeting of the Body, the Chairman shall direct the Secretary to issue notices of such meeting.
- (3) The Chairman shall preside over all meetings of the Body and in his absence or at his instance the Vice Chairman shall preside. In the absence of both the Chairman and Vice Chairman, the members shall elect one of them to preside over the meeting giving due consideration to seniority.
- (4) The Notice and Agenda for each meeting shall be prepared by the Secretary in consultation with the Chairman of the Body of Benchers and be circulated to all members prior to the date of meeting.
- (5) The Minutes of the previous meeting shall be circulated by the Secretary to all members prior to, and in the course of the meeting.

- (6) The Secretary shall maintain a register of attendance of members at meetings.
- (7) The meetings of the Body shall be conducted at the Body of Benchers Complex or such other place and time as may be determined from time to time.
- (8) The Body may adopt virtual meeting procedure where it is necessary.

## 9. Quorum

- (1) For the purposes of the meetings of the Body, the quorum of members shall be fifty (50).

### **Procedure at Meetings**

- (1) Subject to the provisions of this Regulation, the procedure for the regulation of the meetings of the Body shall be such as the Body may at its discretion determine at each meeting.
- (2) Every decision or resolution of a meeting of the Body or Committee thereof, shall except otherwise prescribed by the Body, be by a majority of the members present.

## 10. Appointment of Benchers

- (1) Recommendation for appointment of Benchers shall be made by the relevant Committee from the list of eligible persons as nominated.
- (2) Where the tenure of members appointed under paragraph 1 (1) (o) of this Regulations has expired or any vacancy occurs under the paragraph, the Secretary shall notify the Nigerian Bar Association of the vacancies.
- (3) The Nigerian Bar Association, shall upon receipt of the notice forward a list of its members for consideration by the Body. The list shall be accompanied by the curriculum vitae of each person and a resolution by the National Executive Council of the Association.
- (4) The Secretary shall, in consultation with the Chairman of the Body, forward the list of the nominees to the relevant Committee for consideration.

- (5) The Committee shall consider the list and forward its report to the Body on the suitability or otherwise of the nominees. In addition to the qualification spelt out in paragraph 1 (1) (o) of this Regulation, due consideration shall be given to merit and geopolitical zones.
- (6) Where the tenure of members appointed under paragraph 1 (1) (p) of this Regulations has expired or any vacancy occurs under the paragraph, the Secretary shall notify the Chairman of the vacancies.
- (7) The Chairman shall upon receipt of the notice in (6) above nominate suitable persons for consideration by the relevant Committee. The Committee shall consider the list and make recommendations to the Body on the suitability or otherwise of the persons nominated.
- (8) Where the members of the Body of Benchers, by a simple majority, are satisfied with the nominees presented for appointment under paragraph 1 (1) (o) and (p) of this Regulation, the nominees shall be appointed as Benchers with effect from the date of the meeting.
- (9) The Secretary shall issue Appointment Letters to the persons appointed in (8) above.

## **11. Standing Committees**

- 1) The Body of Benchers shall have power to setup Committees from time to time.
- 2) The Committees shall be known as Standing Committees, Adhoc Committees or such other names that the Body may deem fit to give the Committee.
- 3) The following shall be the Standing Committees of the Body of Benchers:
  - a. Screening Committee
  - b. Legal Practitioners Disciplinary Committee
  - c. Regulations Committee
  - d. Elders Committee
  - e. Recruitment, Promotion and Disciplinary Committee on Staff matters



- f. Benchers Appointment Committee
- g. Ethics and Compliance Committee
- h. Mentoring Committee
- i. Publicity Committee
- j. Special Duties Committee
- k. Judiciary Advisory Committee
- l. Body of Benchers Complex Management Committee
- m. Finance Committee

- 4) The Committees shall have and may exercise such functions and powers as the Body may determine or direct, from time to time.
- 5) Membership of any Standing Committee of the Body shall not exceed thirteen at any material time.
- 6) The tenure of members of all Standing Committees shall be for a single term of three years.
- 7) Membership and tenure of any Adhoc Committee of the Body of Benchers shall be determined by the Body as the need arises.
- 8) Any member who absents himself from the meeting of either a Standing or Adhoc Committee twice consecutively shall be deemed to have voluntarily withdrawn his membership of the Committee, except with cogent and satisfactory reasons.
- 9) No member shall serve in more than two Standing Committees of the Body at the same time.
- 10) Membership of all the Committees of the Body shall be based on recommendation by the Secretariat of the Body of Benchers. Provided that the Chairman, Body of Benchers shall have the powers to appoint Committee members.
- 11) Each Committee shall hold its meetings and carry out its functions at such times and place (physical or virtual) to be determined by the Chairman of the Committee.
- 12) The quorum for the Committee meeting shall be one-third of the members of the Committee.

### **13) Contracts and Agreements**

All agreements made on behalf of the Body and all other instruments shall be in the name of the Body of Benchers and

signed by either the Chairman and the Secretary or the Secretary and one management staff.

**14) Traditional Law Dinners**

- (1) There shall be three (3) Traditional Law Dinners to be held at the various campuses of the Nigerian Law School during each Academic Session. The dinner shall be a prerequisite for Call to the Nigerian Bar in addition to other requirements.
- (2) The dining terms shall be classified as follows:
  - a) First Term Traditional Law Dinner
  - b) Second Term Traditional Law Dinner
  - c) Third Term Traditional Law Dinner
- (3) Members of the Body of Benchers are to attend the dinners at each of the campuses and the most senior Bencher present shall preside over the Dinner.
- (4) The date for each dinner shall be determined by the Body of Benchers.
- (5) The order of programme and dress code during dinners shall be in line with the provisions as contained in the Benchers Handbook.
- (6) The Body may charge such fees to be known as *dinner fee* to be paid by each student prior to the dining date. The amount to be paid shall be determined by the Finance Committee from time to time.
- (7) Subject to the discretion of the Body, a student shall not be eligible for Call to Bar where he fails to participate in the three dining terms.

**15) Call to the Bar**

- (1) The Body of Benchers shall be responsible for the formal Call to the Bar of persons desirous of being admitted to the Nigerian Bar.
- (2) The Nigerian Law School shall forward the names of successful candidates at its examination to the Body of Benchers for consideration for Call to the Bar.

- (3) Each student shall be sponsored by two (2) members of the Body as prerequisite for Call to the Bar. The manner of sponsorship shall be as contained in the Benchers Handbook.
- (4) The Body of Benchers shall screen each aspirant to the Bar to ensure that all academic qualifications and such other requirements for Call to the Bar have been duly satisfied.
- (5) The Body of Benchers, through its relevant Committee shall screen each aspirant to the Bar to ensure that the aspirant is fit and proper for Call to the Bar and devoid of disqualifying factors.
- (6) The relevant Committee shall forward its report to the Body of Benchers for consideration at a meeting of the Body. The report shall amongst other things give a breakdown of the list of aspirants to the Bar as well as the particulars for those considered ineligible for Call if any.
- (7) Where the Body is satisfied with the names forwarded, it shall grant an approval for the aspirants to be called to the Nigerian Bar. Where the Body is of the view that any aspirant is not fit and proper for Call to the Bar, it shall decline calling the aspirant to the Bar until such a time that the disqualification on the part of the aspirant has been remedied.
- (8) The date, time and manner of Call to the Bar shall be determined by the Body of Benchers putting into consideration the surrounding circumstances. The manner of Call to Bar shall be as contained in the *Procedure at Call to Bar* to be published by the Body from time to time.
- (9) The order of programme and dress code during Call to Bar ceremonies shall be in line with the provisions contained in the Benchers Handbook and such other instruments published by the Body.
- (10) The Chairman of the Body shall preside over Call to Bar Ceremonies and in his absence, the Vice Chairman shall preside. Where both the Chairman and Vice Chairman are not available, the Benchers shall designate one of them to preside putting into consideration the issue of seniority.
- (11) The entire processes of preparing for Call to Bar Ceremonies, including pre and post Call to Bar activities shall be handled by the Body of Benchers Secretariat.

- (12) The Body may charge such fees to be known as *Call processing fee* to be paid by each student prior to the Call date. The amount to be paid shall be determined by the Body from time to time.
- (13) Where the Body is satisfied, and if it considers it necessary, may Call an aspirant to the Bar in absentia.
- (14) The Chairman of the Body or such designated person shall shake the hands of the new wig.
- (15) Call to Bar Certificate shall be issued by the Body to the aspirants after being successfully called to the Bar.

#### 16) **Discipline**

- (1) The discipline of Legal Practitioners in professional respect shall be carried out by the Body in accordance with the provisions of the Legal Practitioners Act.
- (2) The discipline of students of the Nigerian Law School shall be the responsibility of the Council of Legal Education.

#### 17) **Delegation of Chairman's functions**

The Chairman may generally or in relation to any particular matter delegate any of his functions under these Regulations to the Vice Chairman or such other Bencher as the circumstance may demand. Provided nothing here shall preclude the Chairman from exercising any such functions as may be so delegated.

#### 18) **Interpretation**

In these Regulations: -

“Act” means the Legal Practitioners Act (the Principal Act);

“Association” means the Nigerian Bar Association;

“Bencher” means a member of the Body of Benchers as provided under the Act and these Regulations;

“Body” means the Body of Benchers established by the principal Act;

“functions” includes power and duties;

“member” means a member of the Body or of a Committee of the Body;

“prescribed” means an instrument in writing by the resolutions of the Body;

“Secretary” means the Secretary of the Body of Benchers

19) **Short Title**

These Regulations may be cited as the Body of Benchers Regulations