

# **NIGERIAN BAR ASSOCIATION**

## **THE CONSTITUTION**

**(Adopted at the Delegates Conference held in Calabar on 31<sup>st</sup>  
August, 2001)**

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## **THE CONSTITUTION OF THE NIGERIAN BAR ASSOCIATION**

### **1. NAME**

The Association shall be called The Nigerian Bar Association.

### **2. HEAD OFFICE/NATIONAL SECRETARIAT**

The National Secretariat of the Association shall be situated at the Federal Capital of Nigeria, provided that the Association may maintain liaison offices in other towns as the National Executive Committee may decide from time to time.

### **3. MEMBERSHIP**

3.1 There shall be two categories of membership; viz

- a) Full membership, and
- b) Honorary membership

3.2 (a) **FULL MEMBERSHIP**

- (i) A full member of the Association shall be any person duly enrolled at the Supreme Court of Nigeria as a legal practitioner and duly registered with one Branch of the Association.
- (ii) Notwithstanding the provision of Article 3.2 (a) (i) any member who fails or neglects to pay the prescribed Annual Practising Fees before the end of March in each year shall for as long as he/she remains in default, have no right:
  - (a) of audience in any court.
  - (b) to prepare, authenticate or frank any legal documents including Memorandum and Articles of Association.
  - (c) to hold any office whatsoever by virtue of his/her qualification as a legal practitioner.
  - (d) to vote or be voted for at any election of the association.

(iii) A failure or neglect to pay the Annual Practising Fees, as and when due, shall be deemed to be an act of professional misconduct.

**(b) HONORARY MEMBERSHIP**

(i) The honorary member members of the Association shall be any member of the Legal Profession within or outside Nigeria who is admitted as such by the Annual General Conference on the recommendation of the National Executive Committee, and shall include serving and retired judges and magistrates.

(ii) Such an honorary member may attend and, if permitted by the presiding officer, speak at any Annual General Conference or other meeting of the Association.

(iii) An Honorary member of the Association shall not be required to pay any subscription, dues or levies, and shall not be entitled to be a National Officer of the Association.

**4. AIMS AND OBJECTS**

The aims and objects of the Association shall be the :

(a) Maintenance and defence of the integrity and independence of the Bar and the Judiciary in Nigeria.

(b) Promotion and advancement of Legal Education, Continuing Legal Education, Advocacy and Jurisprudence.

(c) Improvement of the system of administration of justice, its procedures and the arrangement of court business and regular law reporting.

(d) Establishment, maintenance and efficient operation of a system of prompt and efficient legal aid and assistance for those in need but who are unable to pay for same.

- (e) Promotion and support of law reform.
- (f) Maintenance of the highest standards of professional conduct, etiquette and discipline.
- (g) Promotion of good relations among the members of the Association and between them and lawyers of other countries.
- (h) Promotion of co-operation between the Association and other National or International Law Organisations and such other bodies as may be approved by the National Executive Committee.
- (i) Encouragement and protection of the right of access to courts at reasonably affordable fees and of representation by council before courts and tribunals.
- (j) Encouragements of the establishment of a National Law Library.
- (k) Promotion and protection of the principles of the rule of law and respect for an enforcement of fundamental rights, human rights and people's rights.
- (l) Creation of schemes for the encouragement of newly qualified members and assistance to aged or incapacitated members of the Association.
- (m) Establishment of schemes for the promotion of the welfare, security and economic advancement of members of the legal profession.
- (n) Creation and maintenance of an Endowment Fund for the proper observance and discharge of any of these aims and objects.

**5. SUPREME AUTHORITY**

The Supreme Authority of the Association shall be exercised by the Annual General Conference or an Emergency General Meeting of the Association.

**6. AANUAL GENERAL CONFERENCE/EMERGENCY GENERAL MEETINGS**

- 6.1 The Annual General Conference shall hold on such dates in the month of August as may be determined by the National Executive Committee.
- 6.2 An Emergency General Meeting to deliberate on specific issues may be summoned at such time and place as may be decided by the National Executive Committee.
- 6.3 Election of National Officers shall be held biennially at the Annual General Conference for a two year term without any right of re-election to the same office.
- 6.4 (i) On the receipt at the National Secretariat of the Association of a requisition, signed by not less than 100 members of the Association from not less than 1/3 of the registered branches of the Association, calling for an Emergency General Meeting of the Association, the President shall direct in writing the General Secretary to summon an Emergency \meeting of the National Executive Committee;
- (ii) Such a National Executive Committee Meeting shall hold within two weeks of the date of the receipt of the requisition:
- (iii) The requisition shall state in clear details the matters that need to be deliberated upon;
- (iv) Four weeks after the receipt of such a requisition, the President shall direct the General Secretary to convene an Emergency General Meeting of the Association to hold at such place and time as may be decided by the National Executive Committee to deliberate upon the matters stated in the requisition together with any other matters as may be decided by the National Executive Committee;

- (v) The National Executive Committee shall not be obliged to act on any requisition received less than eight weeks before the date of the Annual General Conference of the Association but may instead include such matters stated in the requisition as part of the business to be deliberated upon at the Annual General Conference.
- 6.5 Decisions at any Annual General Conference/Emergency General Meeting shall be by a simple majority on a show of hands of members present and voting except on the election of National Officers, or any other issues as may be decided by the Conference or National Executive Committee, when it shall be by secret ballot.
- 6.6 THE STANDING ORDERS contained in the Schedule to this Constitution shall govern the conduct of any deliberations at Annual General Conference or Emergency General Meetings.
- 6.7 The quorum at any Annual General Conference or Emergency General Meeting shall be at least 300 members from at least 1/3 of the registered Branches of the Association.
- 6.8 Attendance at the Annual General Conference or Emergency General Meeting shall be opened to all members of the Association save those in default of payment of their appropriate practicing fees as at 1<sup>st</sup> day of April in a conference year.

## **7. DELEGATES CONFERENCE**

For purposes of the election of National Officers, Constitutional Amendments, Making of Bye-Laws and Standing Orders, a Delegates Conference shall hold with only the following in attendance:-

- (a) National Officers and National Executive Committee members.
- (b) 5 delegates from each registered Branch of the Association.
- (c) 2 co-opted deserving elder members of the Association from each registered Branch

- (d) All Senior Advocates of Nigeria.
- (e) All Honourable Benchers.
- (f) One additional delegate for every 100 members of a registered Branch showing evidence of payment of annual practising fees as at 1<sup>st</sup> April in the year of the conference/meeting.
- (g) In any conference year, where there is no registered Branch of the Association in existence in any State of the Federation, where there are legal practitioners, such a state shall be considered for the purpose of voting only as a Branch and shall be entitled to such minimum number of delegates as hereinbefore provided.
- (h) The accredited delegates mentioned in Article 7(a) to 7(g) above shall be the only persons eligible to VOTE whenever the need for so doing arises during the conference, provided that a delegate who is not up to date with the payment of his/her prescribed practising fees and other Branch dues and levies as at the 1<sup>st</sup> day of April preceding the Conference shall be disqualified from voting or being voted for.

**8. GENERAL COUNCIL OF THE BAR**

- 8(a) The statutory powers of the General Council of the Bar as provided pursuant to the Legal Practitioners Act, Cap 207, Laws of the Federation of Nigeria, 1990 shall not include :-
  - (i) Any control over the budget or finance of the Nigeria Bar Association.
  - (ii) The power to appoint representatives of the Association to any Statutory, Executive/Judicial or other bodies.
  - (iii) The power to issue any statements purporting to express the view of the Association upon any matter of public interest or any matter affecting the interest of the Legal Profession generally.

- (iv) The power to make any arrangements whatsoever (including the drawing up of an Agenda or choice of venue) for the Annual General Conference or any other General Meeting of the Association.
- 8(b) Any decision of the General Council of the Bar made in pursuance of its powers over the general management of the affairs of the Association may be reviewed or modified by the Annual General Conference or at any other General Meeting of the Association.
- 8(c) Without prejudice to Article 8(b) above, if at any time, due to unavoidable circumstances or any emergency, an election cannot be held at the appropriate time in the biennial General Conference or the National Executive Committee is incapable, of functioning, the General Council of the Bar shall be convened with powers to constitute a 10 member caretaker committee of members of the Association to run the affairs of the Association for not more than the unexpired tenure of the National Officers or until the next Annual General Conference (whichever is shorter), where new National Officers shall be elected.
- 8(d) The General Council of the Bar acting under Article 8(c) hereto shall not be subject to any limitation of its powers as under section 1(1) of the Legal Practitioners Act, Cap. 207, Laws of the Federation of Nigeria, 1990 until the expiration of the unavoidable circumstances or emergency.

## **9. NATIONAL EXECUTIVE COMMITTEE**

- 9(a) The National Executive Committee shall comprise the following only :
  - (i) National Officers
  - (ii) All past Presidents and General Secretaries.
  - (iii) All Chairmen and Secretaries of registered Branches.
  - (iv) One (1) other representative of each registered Branch.
  - (v) Other deserving members of the Association who are over 10 years post call and are co-opted by the National Executive Committee

provided always that the total number shall not exceed 120 members in the following categories:

(1)	Senior Advocates of Nigeria	-	20
(2)	Senior Members	-	50
(3)	Special interest groups/active members	-	50

- 9(b) The National Executive Committee shall meet at least once in a quarter at such times and places as may be decided by the National Executive Committee.
- 9(c) The quorum for the meetings of the National Executive Committee shall be 50 members, provided that not less than  $\frac{1}{4}$  of the total registered Branches of the Association are present and represented.
- 9(d) On the requisition of at least 75 members of the National Executive Committee, which said requisition shall clearly state the matters sought to be considered, a meeting of the National Executive Committee shall be called by the President or the General Secretary within 2 weeks of the receipt of the requisition.
- 9(e) Subject to the provisions of the Legal Practitioners Act and other provisions of this Constitution, the National Executive Committee shall exercise and execute the following powers and functions:
- (i) To exercise control and management over the finances of the Association including the Appointment of suitable Banks for purpose.
  - (ii) To exercise the powers of the Association with respect to the appointment of representatives to any Statutory, Executive/Judicial Commissions or other bodies.
  - (iii) To express the views of the Association upon any matters of public interest or upon any matters of general interest to the Legal Profession.

- (iv) To make all necessary arrangements for the Annual General Conference or for any other General Meeting of the Association.
  - (v) To appoint a Director of Administration for the Association.
  - (vi) To cause the accounts of the Association to be audited annually by a competent professional firm of auditors who shall be appointed by the Annual General Conference or an Emergency General Meeting of the Association.
  - (vii) The National Executive Committee may appoint one of their members or a suitable member of the Association to fill and/or perform the duties pertaining to a vacant office, which said vacancy may occur due to mental or physical infirmity or any other cause.
  - (viii) Generally to exercise all the powers vested in the Association (except those powers reserved for an Annual General Conference or Emergency General Meeting of the Association) so as to promote and carry out the aims and objectives of the Association as contained in this Constitution, and in particular when the need arises to apply for and receive donations on behalf of the Association.
- 9(f) Consensus shall be the aim of the National Executive Committee but if it becomes necessary to put any questions to vote then it shall be decided by a simple majority based on a show of hands PROVIDED however that the National Executive Committee may resolve to decide any specific issue by secret ballot.
- 9(g) Any member who is absent from three consecutive meetings of the National Executive Committee shall cease to be a member of the National Executive Committee unless he/she shows reasonable cause for such absence to the satisfaction of the National Executive Committee, provided however that if the defaulting member is a National Officer he/she shall be deemed to have vacated his office.

**10. NATIONAL OFFICERS**

10(a) The National Officers of the Association shall be elected at the Biennial General Conference as provided in Article 6(3) of this Constitution for a single term of two years.

10(b) The National Officers of the Association shall be –

- (i) The President
- (ii) The First Vice-President
- (iii) The Second Vice-President
- (iv) The Third Vice-President
- (v) The General Secretary
- (vi) The First Assistant Secretary
- (vii) The Second Assistant Secretary
- (viii) The Treasurer
- (ix) The Welfare Secretary
- (x) The Financial Secretary
- (xi) The Assistant Financial Secretary
- (xii) The Publicity Secretary
- (xiii) The Assistant Publicity Secretary
- (xiv) The Legal Adviser

**11. QUALIFICATION TO HOLD A NATIONAL OFFICE**

A member of the Association shall be qualified to hold a National Office if:-

- (i) He/She is a full member of the Association and has paid as at the date of his/her nomination his/her practising fees as and when due for the past three consecutive years and also paid his/her annual Branch subscriptions and levies up to 1<sup>st</sup> April in an election year.
- (ii) He/She is in full time private legal practice.
- (iii) He/She has at any time prior to his/her nomination been a member of the National Executive Committee or Branch Executive Committee as indicated hereunder :-

- (a) For contestants for the offices of President, First Vice President, Second Vice President and Third Vice President – for not less than 2 years.
  - (b) For contestants for the offices of General Secretary, Treasurer, Financial Secretary, Publicity Secretary, Legal Adviser and Welfare Secretary – for not less than 2 years.
  - (c) For contestants for the offices of 1<sup>st</sup> Assistant Secretary, 2<sup>nd</sup> Assistant Secretary, Assistant Financial Secretary and Assistant Publicity Secretary on their Branch Executive Committee for not less than two years.
- (iv) He/She has satisfied the post enrolment requirement specified hereunder, viz,
- (a) President, First Vice-President, Second Vice President and Third Vice President – not less than 15 years.
  - (b) General Secretary – not less than 10 years.
  - (c) Treasurer, Publicity Secretary, Financial Secretary, Welfare Secretary and Legal Adviser – not less than 10 years.
  - (d) First Assistant Secretary – not less than 8 years.
  - (e) Second Assistant Secretary, Assistant Publicity Secretary and Assistant Financial Secretary – not less than 5 years.
  - (f) No serving President or other National Officer shall canvass or solicit for appointment in government or if offered must decline, otherwise he/she shall be deemed guilty of professional misconduct and shall not attend or speak at any meeting of the Association for such conduct, provided that the provisions of this sub article shall not apply to members of the Association who are serving as representatives of the Association on the Executive

Bodies/Commissions established under the Constitution of the Federal Republic of Nigeria as well as members serving as non-Executive Directors/Board Members of Statutory Corporations and Government-owned Companies.

## **12. DISQUALIFICATION FROM HOLDING ANY NATIONAL OFFICE**

A member shall not be qualified to hold any NATIONAL OFFICE in the Association if during election campaigns:-

- (i) There is evidence that he/she is sponsored by or has received any financial assistance or inducement from any government of the Federation, or members, organizations or bodies corporate or if the candidate underwrites a voting conference delegate's travel, board or lodging expenses;
- (ii) He/She sponsors or is associated with sponsoring a Newspaper or Magazine article or any electronic broadcast, vilifying other candidates or extolling a candidate's virtues;
- (iii) Being a National Officer he/she has been elected to a single two year term and is running for succession in that same office.

PROVIDED HOWEVER that a Registered Branch may sponsor its delegates to an Annual General Conference of the Association if none of such delegates is a candidate for any National Office.

## **13. DUTIES OF OFFICERS**

### **13(1) PRESIDENT**

The duties of the President shall include :-

- (a) Presiding at Annual General Conference or Emergency and other General Meetings of the Association and Meetings of the National Executive Committee.
- (b) Directing the summoning of Meetings of the National Executive Committee either on his/her own initiative or in accordance with

the decision of the National Executive Committee or on the requisition of members in accordance with Article 6(4) of this Constitution.

- (c) Directing all other Officers of the Association in the performance of their duties and coordinating the activities of all Branches of the Association.
- (d) Providing direction and leadership to all Committees of the Association.
- (e) Presenting at the Annual General Conference a presidential address in writing to highlight the accomplishments, problems, prospects and future direction of the Association.
- (f) Acting as the principal spokesman of the Association.
- (g) Ensuring with the assistance of the General Secretary and the Treasurer the efficient and economic use of the Association's Assets and Resources through prudent investments, acquisitions and disposals as may be necessary from time to time subject however to the overall approval of the National Executive Committee.

### **13(2) VICE PRESIDENTS**

- (a) **THE FIRST VICE PRESIDENT**
  - (i) Shall in the absence of the President preside at all meetings in which the President is empowered to preside by the provisions of this Constitution.
  - (ii) Shall be responsible for the co-ordination of the activities of the group of Branches as may be assigned to him/her by the National Executive Committee and shall pay periodic visits to the Branches so assigned to him/her such that he/she would have visited each

such Branch at least once during each year and shall make periodic reports to the National Executive Committee on such visits.

- (iii) Shall encourage and supervise the formation of new Branches within his/her zonal supervisory jurisdiction in line with the guidelines set out in this Constitution.
- (iv) Shall perform all other duties as he/she may be directed by the President or the National Executive Committee or the Annual General Conference or which the President is unable to perform owing to ill health, old age, absence from the country or any other reason.

(b) THE SECOND VICE-PRESIDENT

- (i) Shall in the absence of the President and First Vice President preside at all meetings of the Association in which the President is empowered to preside by the provisions of this Constitution.
- (ii) Shall be responsible for the co-ordination of the articles of the group of Branches as may be assigned to him/her by the National Executive Committee and shall pay periodic visits to the Branches so assigned to him/her such that he would have visited each such Branch at least once during each year and shall make periodic reports to the National Executive Committee on such visits.
- (iii) Shall encourage and supervise the formation of new Branches within his/her zonal supervisory jurisdiction in line with the guidelines set out in this Constitution.
- (iv) Shall perform all other duties as he/she may directed by the President or the National Executive Committee or the Annual General Conference.

- (c) **THE THIRD VICE PRESIDENT**
- (i) Shall in the absence of the President, 1<sup>st</sup> Vice President, and 2<sup>nd</sup> Vice President preside at all meetings in which the President is empowered to preside by the provisions of this Constitution.
  - (ii) Shall be responsible for the co-ordination or the activities of the group of Branches as may be assigned to him/her by the National Executive Committee and shall pay periodic visits to the Branches so assigned to him/her such that he/she would have visited each such Branch at least once during each year and shall make period reports to the National Executive Committee on such visits.
  - (iii) Shall encourage and supervise the formation of new Branches within his/her zonal supervisory jurisdiction in line with the guidelines set out in this Constitution.
  - (iv) Shall perform all other duties as he/she may be directed by the President or the National Executive Committee or the Annual General Conference.
- (d) In the absence of the President and the Vice Presidents, the most senior member of the National Executive Committee present shall preside at any meeting of the Association at which the President is entitled to preside.

**13(3) GENERAL SECRETARY**

The General Secretary under the overall direction of the President shall be in charge of the National Secretariat and other offices of the Association and his/her duties shall include the following :

- (a) He/She shall on the instruction of the President or in accordance with a previous decision of the National Executive Committee or pursuant to a requisition made in accordance with the provisions of this Constitution summon the Annual General Conference, Meetings of the National Executive Committee or other meetings of the Association.

- (b) He/She shall record and keep the minutes including attendance and summary of all decisions taken thereat.
- (c) He/She shall write and dispatch circulars, letters, and other correspondences of the Association including that of the National Executive Committee.
- (d) He/She shall keep a roll of members and an up to date list of Branches of the Association.
- (e) He/She shall furnish an annual return or special reports of the activities of the Association or any of its organs at the Annual General Conference.
- (f) He/She shall be an ex-officio member of all committees of the Association.
- (g) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

**13(4) FIRST ASSISTANT SECRETARY**

- (i) He/She shall assist the General Secretary in the performance of his/her duties and shall in the absence of the General Secretary act in his/her place.
- (ii) He/She shall perform all other duties as may be assigned to him/her by the President, the General Secretary, the National Executive Committee or the Annual General Conference.

**13(5) SECOND ASSISTANT SECRETARY**

- (i) He/She shall assist the General Secretary and the First Assistant Secretary in the performance of their duties and shall in the absence of the General Secretary and First Assistant Secretary act in the place of the General Secretary.

- (ii) He/She shall perform all other duties as may be assigned to him/her by the President, the General Secretary, the National Executive Committee or the Annual General Conference.

**13(6) TREASURER**

The duties of the Treasurer shall be as follows:

- (a) He/She shall receive, collect and pay to the Association's bankers all monies collected for the Association or paid to the Association from any source whatsoever.
- (b) He/She shall carry out any decision or directive of the Annual General Conference in matters relating to the budget or finances of the Association.
- (c) He/She shall prepare or cause to be prepared and submitted to the First Meeting of the National Executive Committee an annual budget containing the estimated revenue and expenditure of the Association for the period 1<sup>st</sup> September of every year to 31<sup>st</sup> August of the following year.
- (d) He/She shall invest the monies of the Association in such securities as may be approved by the National Executive Committee.
- (e) He/She shall circulate to every member of the National Executive Committee the audited accounts and balance sheet for the preceding year.
- (f) He/She shall submit an annual report to the Annual General Conference to which shall be attached the audited accounts and balance sheet for the preceding year.
- (g) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

### **13(7) WELFARE SECRETARY**

The duties of the Welfare Secretary shall be as follows:

- (a) He/She shall monitor the welfare and interest of members of the Association.
- (b) He/She shall bring to the notice of the National Officers and the National Executive Committee any matter concerning the welfare of any member of the Association whether within or outside the country with a view to protecting and preserving their rights, privileges and welfare.
- (c) He/She shall be responsible for managing the programme of assistance for incapacitated or aged members of the Association.
- (d) He/She shall be responsible for supervising the insurance and endowment programmes of the Association.
- (e) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

### **13(8) FINANCIAL SECRETARY**

The duties of the Financial Secretary shall be as follows:

- (a) He/She shall be in constant touch with the Branches and their Officers to ensure that all their members pay their annual dues, practicing fees, subscriptions and levies, as and when due.
- (b) He/She shall bring compile and circulate a list of members who have paid or are in default in respect of their practicing fees in each year and take steps to circulate such list to the Annual General Conference, the National Executive Committee, the various courts in the country, Corporate Affairs Commission and statutory bodies as may be decided from time to time by the National Executive Committee.

- (c) He/She shall collect any pay all monies of the Association to the Treasurer promptly and keep records of such receipts and payments.
- (d) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

**13(9) ASSISTANT FINANCIAL SECRETARY**

- (a) He/She shall assist the Financial Secretary in the performance of his/her duties and shall in the absence of the Financial Secretary act in his/her place.
- (b) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee of the Annual General Conference.

**13(10) PUBLICITY SECRETARY**

The duties of the Publicity Secretary shall be as follows:

- (a) He/She shall ensure adequate and prompt publicity of the activities of the Association.
- (b) He/She shall present a good and progressive image of the Association to the public.
- (c) He/She shall issue releases and statements on matters of general interest to the Association and the public after consultation with the President or the National Executive Committee.
- (d) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

### **13(11) ASSISTANT PUBLICITY SECRETARY**

The duties of the Assistant Publicity Secretary shall be as follows:

- (a) He/She shall assist the Publicity Secretary in the performance of his/her duties and shall in the absence of the Publicity Secretary act in his/her place.
- (b) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

### **13(12) LEGAL ADVISER**

The duties of the Legal Adviser shall be as follows:

- (a) He/She shall advise the Association, its Officers, Committees, organs or agents and shall represent or protect the interests of the Association in Courts, Tribunals, Judicial Inquiries or proceedings, provided that the National Executive Committee may engage any other Counsel of their choice as the need arises from time to time.
- (b) He/She shall perform all other duties as may be assigned to him/her by the President or the National Executive Committee or the Annual General Conference.

### **14 (a) STANDING COMMITTEES**

The Association shall have the following Standing Committees:

- (i) Finance Committee
- (ii) Editorial Board Committee
- (iii) Welfare Committee
- (iv) Disciplinary Committees
- (v) Human Rights Committee
- (vi) Law Reform Committee
- (vii) Legal Education Committee

(viii) Judiciary Committee, and such other committees as may be created by the National Executive Committee or General Conference from time to time.

**(b) AD-HOC COMMITTEES**

The National Executive Committee may constitute Committees other than those listed above to deal with such issues and matters as circumstances may dictate; and the Committees so CONSTITUTED shall have such powers and exercise such functions as the National Executive Committee may determine.

c) Membership of each Committee shall be determined by the National Executive Committee from time to time.

(d) The provisions of the Bye-Laws in the Schedule to this Constitution form part of and shall have the same effect as any of the other provisions contained therein.

**15. BRANCHES**

15(i) (a) There shall not be more than one Branch of the Association in any Judicial Division of the High Court of any State.

(b) Nothing in this Constitution shall debar all the Branches in any State from holding joint meetings/consultations to discuss matters of common interest for the overall good of the Nigerian Bar Association and its members.

(c) A Branch of the Association shall consist of not less than 25 registered members who have their principal places of practice or residence within the Judicial Division where the Branch is situated.

(d) A member shall join the Branch within the judicial division where he/she has his/her principal place of practice or residence, provided that no member shall belong to more than one Branch.

- (e) A member having his/her place of practice or residence in a Judicial Division in which there is no Branch may register as member in a Branch nearest to him/her.
- (f) An application to form a Branch shall be signed by not less than 25 members and submitted to the General Secretary.
- (g) The National Executive Committee shall consider and if satisfied approve the application.
- (h) The National Executive Committee may withdraw the recognition of nay Branch where the membership falls below the minimum. Provided that where the Branch is dormant for a period of three years, the National Executive Committee may dissolve the Executive of that Branch and conduct a fresh election.
- (i) Every Branch shall hold a General Meeting monthly and a biennial general meeting at which Branch Officers shall be elected and a return of same made to the General Secretary.
- (j) Every Branch shall forward a programme and record of its activities to the General Secretary quarterly.
- (k) Every Branch shall carry out the directives of the Annual General Conference or the National Executive Committee of the Association.
- (l) Every Branch shall have a Chairman and Secretary and such other officers as may be necessary.
- (m) Branches shall have the power to impose levies or subscriptions to defray the expenses for running their affairs, and a member in default shall be subject to the same sanction as provided under this Constitution.

- (n) Every Branch shall keep an up-to-date list of its members and forward such list to the General Secretary before the end of July in each year.
- (o) A Branch may have its own Bye-Laws which shall come into force after its approval by the National Executive Committee provided that the parts of the Bye-Laws which are inconsistent with any provision of this Constitution shall to the extent of such inconsistency be void.
- (ii) No Branch, officer, or member thereof shall hold itself/himself out as representing the Association in any respect or take any action in the name of the Association without the prior consent and approval of the National Executive Committee.

**16. SECTIONS**

- (i) The National Executive Committee of the Association may form sections to advance the aims and objects of the Association. The Bye-Laws of any such section, and any amendments thereto, shall be subject to the approval of the National Executive Committee.
- (ii) No section, section committee or any of their officers or other representatives, shall represent the Association or hold themselves out as representing the Association in any respect, or take any action in the name of the Association except as authorised by the National Executive Committee.

**17. DISCIPLINE**

The Branches shall have the power to investigate reports of professional misconduct against their members and if need be send a report of the findings to the Chairman of the Disciplinary Committee as provided under the Legal Practitioners Act and the General Secretary of the Association.

**18. FUNDS OF THE ASSOCIATION**

The funds of the Association may be derived from the following sources namely:-

- (i) Bar practising fees payable by members;
- (ii) Levies as may be approved by the National Executive Committee;
- (iii) Grants;
- (iv) Donations;
- (v) Endowment funds as may be approved by the National Executive Committee; and
- (vi) Investments of the Association.

**19. PRACTISING FEES**

- (i) Every full member shall pay annually, by the 31<sup>st</sup> day of March, practising fees as may be determined from time to time by the National Executive Committee of the Association and published in the Official Gazette of the Government of the Federal Republic of Nigeria.
- (ii) The National Executive Committee may from time to time and as may be approved by the Annual General Conference add to, review, amend or alter the annual practising fee payable by full members of the Association.

**20. OTHER SUBSCRIPTIONS BRANCH DUES AND LEVIES**

- (i) Other subscriptions payable by members shall include fees and levies as may be approved by the Annual General Conference or the National Executive Committee.
- (ii) Any Branch of the Association may impose and charge dues and levies payable by its members thereof for the purpose of running the Branch.

**21. FINANCE**

- (a) All monies belonging to the Association shall be kept in its name with such reputable bankers as the National Executive Committee shall appoint.
- (b) There shall be three Principal signatories to the Association's accounts namely, the President, the General Secretary and the Treasurer, any two of whom may sign.
- (c) No expenditure shall be incurred for any purpose unless such expenditure has been approved generally by the National Executive Committee in the

annual budget or any supplementary budget of the Association. Provided that in any case of serious urgency, the Treasurer in consultation with the President and the General Secretary may authorize such expenditure in their discretion and afterwards seek covering approval from the National Executive Committee, provided further, always that the exercise of such discretion shall be limited to the recurrent expenditure of the month immediately preceding.

- (d) The General Secretary may hold as imprest such amount as may be approved by the National Executive Committee from time to time.
- (e) The National Executive Committee may invest the funds of the Association in government securities or such other securities.
- (f) If the Auditor surcharges any officer or member of the Association with the payment of any amount, the National Executive Committee may serve a notice upon such person to pay the amount surcharged within a period not being less than fourteen days after service of such notice upon him/her. Upon such person failing to pay the amount, the National Executive Committee may authorize that legal proceedings be taken to enforce payment.

## **22. TRUSTEES**

Subject to the ratification of the Annual General Conference, the National Executive Committee is empowered to appoint Trustees or Committees to raise money to develop the property of the Association in the best interests of the Association. The Trustees shall hold office for six years or until resignation unless removed from office by a resolution of the National Executive Committee for reasonable cause.

- (a) The number of Trustees shall be six and all properties of the Association, freehold or leasehold, or other interest in land acquired for the use and benefit of the Association shall be vested in them.
- (b) The Trustees shall deal with the property of the Association as directed in writing by a Resolution of the Annual General Conference.

**23. AMENDMENT**

This Constitution shall not be amended except at an Annual General Conference of the Association by a two-thirds majority of those present and entitled to vote, provided that two-thirds of the Branches of the Association are represented AND provided further that at least 60 days notice of the proposed amendment shall have been given to the General Secretary who shall have circulated same to delegates at least 30 days before the proposed amendment is tabled for discussion at the Annual General Conference. For the avoidance of doubt, two thirds majority of members present and voting shall be approximated to the nearest whole number.

Adopted at the Delegates Conference held in Calabar on 31<sup>st</sup> August, 2001.

**O.C.J. OKOCHA, ESQ. (SAN, JP)**

**PHILLIP NDUBUISI UMEH, ESQ  
GENERAL SECRETARY**

**FIRST SCHEDULE  
BYE-LAWS**

**1. JOURNALS**

The Association shall have power to publish legal journals in pursuance of Article 4(b) of the Constitution.

**2. EDITORIAL BOARD**

- (a) The members of the Editorial Board shall be active members of the Association.
- (b) The National Executive Committee shall appoint 3 but not more than 5 suitable members of good standing to be Board members of the Association's Journal.
- (c) The National Executive Committee may remove any member of the Editorial Board for good cause.
- (d) The Board shall endeavour to publish at least one issue of the Journal per annum.
- (e) The National Executive Committee shall operate a separate Bank Account for the Journal.
- (f) The signatories to such account shall include the President, Treasurer and the Chairman of the Editorial Board.

**3. NATIONAL EXECUTIVE COMMITTEE**

- (a) Members of the National Executive Committee, or Standing or other Ad-hoc Committees representing their Branches shall keep their Branches informed of all the activities of the National Executive Committee and the other Committees.

- (b) Any member of such committee who is unwilling to carry out the directives or decisions of Conference or National Executive Committee shall be suspended from such committee by a simple majority of the members of the National Executive Committee.

**4. MEETINGS: NOTICE/AGENDA**

- (a) Notices of motions or resolutions other than those proposed for amendment of the Constitution shall reach the General Secretary on or before 30<sup>th</sup> June every year.
- (b) Notices or circulars of Annual General Conference together with agenda, resolution and a list of candidates shall be dispatched to Branches at least 30 days before the date of the Conference.

**5. AMENDMENT**

These Bye-Laws shall be amended by or at any Annual or Emergency General Conference subject to notice of proposed amendment being received by the General Secretary and Branches at least 60 days and 30 days respectively before the conference by a simple majority of members present and voting.

**SECOND SCHEDULE**  
**THE NIGERIAN BAR ASSOCIATION**  
**STANDING ORDERS**

**STANDING ORDERS**

For the purpose of effective conduct of proceedings at Annual General Conference, other conferences or meetings and matters relating thereto these shall be read together with the Constitution of the Association.

1. These Standing Orders are made by the Annual General Conference of the Nigerian Bar Association in exercise of its powers under Article 6 of the Constitution of the Nigerian Bar Association and other enabling powers in that behalf.
2. An Annual General Conference and Emergency General Conference shall transact such business as is on its agenda or any business decided by previous Conference or the National Executive Committee.
3. An agenda of the business of a meeting shall be supplied in advance to every Branch of the Association which shall make such agenda available to its members or accredited delegates to the Conference or Emergency General Conference. Provided that the agenda shall be adhered to till the completion of business unless a proposition to suspend this standing order is made and carried by a simple majority of the members present representing the majority of the Branches in the Federation.
4. The President shall preside at the meeting and in his absence the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Vice Presidents shall in order of priority preside failing that the members present shall elect a Chairman from among themselves.
5. Any member who wishes to speak shall hold up his hand to attract the Chairman's attention.
6. No member shall commence to speak on any topic until recognized to do so by the Chairman.
7. No two members shall stand up to speak simultaneously during discussion at a meeting.

8. The order of speaking shall be determined by the Chairman in his/her absolute discretion without fear or favour but he/she shall give a reasonable opportunity for divergent views to be heard.
9. The Chairman in his/her discretion may stop a debate even when there are members still anxious to speak on the subject if he/she considers that there has been sufficient discussion on the matter under consideration.
10. A member who has any relevant and pertinent information to give during the course of a speech by another may raise a "point of information" which he may only proceed to give if permitted to do so by the Chairman.
11. A member may raise a plea of "point of order" which when raised shall only be sustained by the Chairman where he/she accepts that there is deviation by a speaker from the subject matter/or according to these standing orders.
12. A member who claims that he/she has been misquoted or misrepresented may raise the pleas on "point of correction" and if allowed by the Chairman shall correct the same.
13. In the event of proposition to proceed to the next business or for progress being moved and seconded it shall after the proposer and seconder of the resolution have been heard be put to the vote. If carried the matter under debate shall immediately be put to the vote and once carried the subject voted upon shall not again be introduced during the meeting.
14. No motion or amendment shall be discussed unless it is seconded, save the proposals of the Executive Committee or the report of a Committee of the Association which shall be taken as having been moved and seconded. No second amendment or rider shall be voted upon until the first amendment is disposed of.
15. On any issue every member present shall have one vote at a time but the Chairman shall have a second or casting vote in the event of equality of votes. Provided that if at any election there is equality of votes, the Presiding Electoral Officer shall have a casting vote.

16. The Chairman shall have power to ask any one found engaging in distractive or destructive acts to leave the Conference.
17. The Conference shall have the power to appoint Committees or Commissions for the furtherance of its business. Such Committees or Commissions may sit during the hours of the Conference should it be necessary for them to do so.
18. The Chairman shall give directions or adopt measures reasonably necessary in the interest of the Association or reasonably conducive to the conduct of proceedings of any Conference or meeting. The procedure at a meeting of any Committee shall be determined by that Committee.
19. The ruling of the President or Chairman on matters provided for in this STANDING ORDERS shall be obeyed.

### **ELECTIONS**

- 20 (a) Offices shall be vacant by effluxion of time, death, resignation, removal, or for any other reasonable cause.
- (b) Any vacancy occurring in any office after a Biennial General Conference may be filled by the National Executive Committee.
- (c) A candidate for any elective national office shall be nominated or proposed in writing by a member and seconded by another both of whom shall be qualified like the candidate in accordance with the provisions of Article 11 of the Constitution for the equivalent office and in good standing with their practising fees and all other Branch levies.
- (d) The nomination paper shall be dispatched so as to reach the General Secretary on or before 30<sup>th</sup> of June in an election year and where there is no nomination for any office the Conference or National Executive Committee may fill the vacancy.
- (e) On 1<sup>st</sup> July of each election year, the General Secretary shall compile a list of all nominations received and shall exhibit a copy at the Secretariat notice board and forward a copy to all candidates who have been

nominated as well as every member of the National Executive Committee and Branches.

- (f) A full list of properly nominated candidates shall be exhibited or posted at a conspicuous place or notice board in or around the Conference Hall on or before the second day of the General Conference and also supplied to the electoral officers.

Electoral officers, a minimum of three and a maximum of five, one of whom shall preside, shall be appointed by the Conference.

The Electoral officers shall control, conduct and manager the elections for which they were appointed. During the elections the Presiding Electoral Officer shall have the powers of the Chairman under these Standing Orders.

The Electoral officers shall decide on colour of ballot paper to be use for the office to be contested, if ballot papers of different colours are supplied. To the extent of their function the decisions of the Electoral Officer shall be final.

Voting in elections at Conference shall be by secret ballot provided that the Conference shall have the right to order otherwise.

The validity of proceeding of an Annual Conference or any other Conference or Meeting shall not be affected by vacancy in any office or any defect in the appointment or election of officers or irregularity in the proceedings.

For the avoidance of doubt, the provisions of the Constitution shall take precedence and prevail over those of the BYE-LAW and STANDING ORDERS where a conflict occurs.

#### AMENDEMENTS:

21. Proposal for amendment of the STANDING ORDERS shall, if initiated by the National Executive Committee or a member or a Branch, be sent to the General Secretary to reach him/her not less than 120 days before Annual General Conference and General Secretary in turn shall send copies of such proposal to all Branches not less than 60 days before the STANDING ORDERS.

22. The STANDING ORDERS may by a majority of votes of conference rescinded, amend or suspend the provisions of these STANDING ORDERS.