

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN ASSOCIATION OF PARALEGALS CHARGED, AMONG OTHER THINGS, WITH THE RESPONSIBILITY OF DETERMINING THE STANDARD OF KNOWLEDGE AND SKILLS REQUIRED OF PERSONS SEEKING TO BECOME MEMBERS OF THE ASSOCIATION AND FOR RELATED MATTERS

Sponsored by Hon. Abdulmalik Zubairu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 1.-(1) There is hereby established a body to be known as the
- 2 Nigerian Association of Paralegals (in this Act referred to as "the
- 3 Association") which shall be a body corporate under that name and be
- 4 charged with the general duty of:
- 5 (a) advancing the practice of paralegalism (in this Act referred to
- 6 as "the profession");
- 7 (b) determining the standards of knowledge and skills to be
- 8 attained by persons seeking to become registered members of the profession
- 9 and reviewing those standards, from time to time as circumstances may
- 10 require;
- 11 (c) promoting the highest standard of competence, practice and
- 12 conduct among the members of the profession;
- 13 (d) securing, in accordance with the provisions of this Act, the
- 14 establishment and maintenance of a register of members of the profession
- 15 and the publication, from time to time, of lists of those persons;
- 16 (e) doing such things as may advance and promote the
- 17 advancement of the profession of paralegalism in both the public and private
- 18 sector; and

Establishment of the Nigerian Association of Paralegals

1 (f) performing, through the Council established under section 3 of this
2 Act, the functions conferred on it by this Act.

3 (2) The Association shall have perpetual succession and a common
4 seal which shall be kept in such custody as the Council established under
5 section 3 of this Act may from time to time authorise.

6 2.-(1) Subject to the provisions of this Act, a person admitted to
7 membership of the Association shall be registered as a member and shall be
8 entitled to use the abbreviation "NNP" (Nigerian National Paralegal) after his
9 name.

10 (2) The functions of a paralegal shall be limited to

11 (a) Law office and Court Registry management;

12 (b) Conducting client interviews and maintaining general contact
13 with the client;

14 (c) Locating and interviewing witnesses;

15 (d) Conducting investigations, statistical and documentary research;

16 (e) Conducting legal research and filing court processes;

17 (f) Drafting legal documents, correspondence and pleadings;

18 (g) Drafting legislative documents (Bills, Motions, Order Paper etc.);

19 (h) Trade Marks, Patents and Designs Agency;

20 (i) Private Limited Liability Company Secretariship;

21 (j) Non-governmental and civil society organizations management;

22 (k) Assisting legal officers in a legal department of a public or private
23 organizations;

24 (l) Assisting law enforcement agencies in investigation and
25 prosecution of criminal cases subject to existing laws guiding investigation and
26 prosecution in Nigeria:

27 Provided that a paralegal shall not perform any duty that is
28 exclusively a duty of a legal practitioner under the Legal Practitioners Act or any
29 other law regulating legal practitioners in Nigeria.

30 (3) All persons working as or under the office of a registrar, bailiff,

1 sheriff, prosecutor, secretary, administrative officer or any related office in
2 any court, court martial or tribunal in the Federal Republic of Nigeria, or any
3 person working as or under the office of a secretary, administrative officer,
4 clerical officer, intellectual property agent in any law firm, and legal
5 department of a public or private sector in the Federal Republic of Nigeria
6 shall acquire relevant training and certification under this Act.

7 PROVIDED that legal practitioners are exempted from acquiring
8 such certification.

9 (4) All persons mentioned in subsection 3 of this section shall
10 acquire training and certification in compliance with this Act within 3 years
11 from the date of commencement of this Act.

12 (5) After the commencement of this Act, no person, authority,
13 corporation, government agency or department, business entity etc. shall
14 employ any person to carry out any duty of a paralegal except that person is
15 qualified under this Act.

16 3.-(I) There shall be, as the governing body of the Association, a
17 Council which shall be charged with the administration and general
18 management of the Association.

Council of the
Association

19 (2) The Council shall consist of:

20 (a) a President;

21 (b) a Vice-President;

22 (c) twelve members of the Association nominated by the
23 Association at a general meeting to equally represent the six geo-political
24 zones;

25 (d) all past presidents of the Association;

26 (e) three legal practitioners to be nominated by the Nigerian Bar
27 Association;;

28 (f) three staff of the Nigerian Judiciary to be nominated by the
29 Chief Registrar of the Supreme Court of Nigeria;

30 (g) Three police officers not below the rank of Assistant ral of

- 1 Superintendent of Police to be nominated by the Inspector General of Police;
- 2 (h) Three persons to be nominated by the Minister;
- 3 (i) Three persons to be nominated by the Clerk of National Assembly.
- 4 (3) The President and the Vice-President shall be nominated from the
- 5 Council by members of the Association who are members of the Council.
- 6 (4) The President and Vice-President shall each hold office for a
- 7 single term, and no more, of five years from the date of their nomination:
- 8 Provided that the Vice President, after his/her tenure, is eligible for
- 9 subsequent nomination as the President.
- 10 (5) the President shall Chair all meetings of the Association, so
- 11 however that in the event of the death, incapacity or inability for any reason of
- 12 the President, the Vice-President shall act as President for the unexpired
- 13 portion of the term of office and as Chairman, as the case may be and references
- 14 in this Act to the president shall be construed accordingly.
- 15 (6) The President and the Vice-President shall respectively be
- 16 Chairman and Vice-Chairman of the Council of the Association under this Act.
- 17 (7) If the President or the Vice-President ceases to be a member of the
- 18 Association, he/she shall cease to hold any of the offices designated under this
- 19 section.
- 20 (8) The Registrar of the Association shall act as the secretary of the
- 21 Council.
- 22 (9) The provisions of the First Schedule to this Act shall have effect
- 23 with respect to the qualifications and tenure of office of members of the
- 24 Council and other matters therein mentioned.
- 25 (10) The Council may make rules on issues not expressly covered
- 26 under this Act.
- 27 **4.-(1)** The Council shall establish and maintain a fund for the purpose
- 28 of this Act.
- 29 (2) There shall be paid into the fund of the Council:
- 30 (a) all fees and other moneys payable to the Council in pursuance of

1 this Act; and

2 (b) such moneys as may be payable to the Council, whether in the
3 course of the discharge of its functions or not.

4 (3) There shall be paid out of the fund of the Council established
5 pursuant to subsection (1) of this section:

6 (a) the remuneration and allowances of the Registrar and other
7 employees of the Association;

8 (b) such reasonable travelling and subsistence allowance of
9 members of the Council in respect of the time spent on the business of the
10 Council as the Council may approve;

11 (c) any other expenses approved by the Council in the discharge of
12 its functions under this Act.

13 (4) The Council may invest moneys in the fund in any security
14 created or issued by or on behalf of the Federal Government or in any other
15 securities in Nigeria approved by the Council.

16 (5) The Council may, from time to time, borrow money for the
17 purposes of the Association and any interest payable on moneys so
18 borrowed shall be paid out of the fund.

19 **5.** The Council shall keep proper accounts on behalf of the Accounts
20 Association in respect of each year and proper records in relation to those
21 accounts and shall cause its accounts to be audited after the end of the year to
22 which the accounts relate by a firm of auditors approved by the Association
23 in a general meeting and, when audited, the accounts shall be submitted to
24 the members of the Association for approval by them at a general meeting of
25 the Association.

26 **6.-(1)** The Council shall appoint a fit and proper person to be the Appointment of
Registrar and
preparation of the
register
27 Registrar for the purposes of this Act, who shall be a legal practitioner of not
28 less than 8 years post call experience, and such other persons as the Council
29 may, from time to time think necessary to assist the Registrar in the
30 performance of his function under this Act.

1 (2) It shall be the duty of the Registrar to prepare and maintain, in
2 accordance with rules made by the Council, a register of the names, addresses,
3 approved qualifications, and of such other qualifications and particulars as
4 may be specified in the rules of all persons who are entitled in accordance with
5 the provisions of this Act to be registered as members of the Association and
6 who, in the manner prescribed by such rules, apply to be so registered.

7 (3) Subject to the foregoing provisions of this section, the Council
8 shall make rules with respect to the form and keeping of the register and the
9 making of entries therein, and in particular:

10 (a) regulating the making of application for or registration, as the case
11 may be, and providing for the evidence to be produced in support of such
12 applications;

13 (b) providing for the notification to the Registrar, by the person to
14 whom any registered particulars relate, of any change in those particulars;

15 (c) authorising a registered person to have any qualification which is
16 in relation to the relevant division of the profession, whether an approved
17 qualification or accepted qualification for the purposes of this Act; registered in
18 relation to his name in addition to or, as he may elect, in substitution for any
19 other qualifications so registered;

20 (d) specifying the fees, including any annual subscription, to be paid
21 to the Association in respect of the entry of names on the register, and
22 authorising the Registrar to refuse to enter a name on the register until any fee
23 specified for the entry has been paid;

24 (e) specifying anything failing to be specified under the foregoing
25 provisions of this section, but rules made for the purposes of paragraph (d) of
26 this subsection shall not come into force until they are confirmed at a general
27 meeting of the Association.

28 (4) It shall be the duty of the Registrar:

29 (a) to correct, in accordance with the Council's directions, any entry in
30 the register which the Council directs him to correct as being in the Council's

1 opinion an entry which was incorrectly made;

2 (b) to make, from time to time, any necessary alteration to the
3 registered particulars of registered persons;

4 (c) to remove from the register the name of any registered person
5 who has died; and

6 (d) to record the names of members of the Association who are in
7 default for more than six months in the payment of annual subscriptions, and
8 to take such action in relation thereto (including removal of the names of
9 defaulters from the register) as the Council may direct or require.

10 (5) If the Registrar:

11 (a) sends by post to any registered person a registered letter
12 addressed to him at his address on the register enquiring whether the
13 registered particulars relating to him are correct and receives no reply to the
14 letter within a period of six months from the date of posting it; and

15 (b) upon the expiration of that period, sends in like manner to the
16 person in question a second similar letter and receives no reply to that letter
17 within three months from the date of posting it, the Registrar may remove
18 the particulars relating to the person in question from the register:

19 Provided that, the Council may direct the Registrar to restore to the
20 appropriate part of the register any particulars removed there from under this
21 subsection.

22 **7.-(1)** It shall be the duty of the Registrar:

Publication of
register

23 (a) to cause the register to be printed, published and put on sale to
24 members of the public not later than the month of July, each year.

25 (b) to cause a print of each edition of the register and of each list of
26 corrections to be deposited at the principal offices of the Association; and

27 (c) to keep the register and lists so deposited to be made available to
28 members of the public at all reasonable times for inspection.

29 **8.-(1)** Subject to section 9 of this Act and to the rules made under
30 section 6 (3) of this Act, a person shall be entitled to be registered as a

Registration of
members

1 member of the profession if he satisfies the Council that:

2 (a) immediately before the commencement of this Act, he holds a
3 qualification that the council considers acceptable;

4 (b) he has obtained an approved training programme in Paralegal
5 Studies and passed the professional examination conducted by any institution
6 approved by the council.

7 (2) Subject as aforesaid, a person shall also be entitled to be registered
8 under the Act if he holds such certificate as may be recognised by the Council
9 from time to time.

10 (3) A legal practitioner under the Legal Practitioner's Act may be
11 given direct membership upon application and payment of prescribed fees.

12 (4) An application for registration under this Act shall in addition to
13 evidence of qualification, satisfy the Council that:

14 (a) he is of good character;

15 (b) he has attained the age of twenty-one years; and

16 (c) he has not been convicted in Nigeria or elsewhere of an offence
17 involving fraud or dishonesty or any other offence that is unbecoming of a
18 paralegal like unnatural offence,
19 rape, sexual assault etc.

20 (4) The Council may, in its sole discretion provisionally, accept a
21 qualification produced in respect of an application for registration under this
22 section or direct that the application be renewed within such period as may be
23 specified in the direction.

24 (5) Any entry directed to be made in the register, under subsection (4)
25 of this section, shall show that the registration is provisional and no entry so
26 made shall be converted to full registration without the consent of the Council
27 signified in writing in that behalf.

28 (6) The Council shall, from time to time, publish in the Gazette
29 particulars of qualifications for the time being accepted for registration under
30 this Act.

1 (7) After the commencement of this Act, all registered members of
2 the Pan-African Institute of Paralegal Studies become members of the
3 Association and afterwards, the Institute shall cease to issue any paralegal
4 membership certification.

5 (8) The Association shall be exclusively the only regulatory body
6 for certification and regulation of paralegals through out the Federal
7 Republic of Nigeria.

8 **9.**-(1) The Council may approve any institution for the purposes of
9 this Act and may for those purposes approve:

Approval of
qualifications

10 (a) any course of training at any approved institution which is
11 intended for persons seeking to become or are already members of the
12 paralegal profession and which in the opinion of the Council is designed to
13 confer on persons completing it sufficient knowledge and skill for the
14 practice of the profession;

15 (b) any qualification which, as a result of an examination taken in
16 conjunction with a course of training approved by the Council under this
17 section, is granted to candidates reaching a standard at the examination
18 indicating in the opinion of the Council, that the candidates have sufficient
19 knowledge and skill for the practice of the profession.

20 (2) The Council may, if it thinks fit, withdraw any approval given
21 under this section in respect of any course, qualification or institution; but
22 before withdrawing such an approval the Council shall:

23 (a) give notice that it proposes to do so to persons in Nigeria
24 appearing to the Council to be persons by whom the course is conducted or
25 the qualification is granted or the institution is controlled, as the case may
26 be;

27 (b) afford each such person an opportunity of making to the
28 Council representations with regard to the proposal; and

29 (c) take into consideration any representation made as respects the
30 proposal in pursuance of paragraph (b) of this subsection.

1 (3) A course, qualification or institution shall not be treated as
2 approved during any period the approval is withdrawn under subsection (2) of
3 this section.

4 (4) Notwithstanding the provisions of subsection (3) of this section,
5 the withdrawal of an approval under subsection (2) of this section shall not
6 prejudice the registration or eligibility for registration of any person who by
7 virtue of the approval was registered or was eligible for registration (either
8 unconditionally or subject to his obtaining a certificate of experience)
9 immediately before the approval was withdrawn.

10 (5) The giving or withdrawal of an approval under this section shall
11 have effect from such date, either before or after the execution of the
12 instrument signifying the giving or withdrawal of the approval, as the Council
13 may specify in the instrument and the Council shall:

14 (a) as soon as may be, publish a copy of every such instrument in the
15 Gazette; and

16 (b) not later than seven days before its publication as aforesaid.

Supervision of
instructions and
examinations
leading to approved
qualifiva

17 **10. -(1)** It shall be the duty of the Council to keep itself informed of the
18 nature of:

19 (a) the instruction given at approved institutions to persons attending
20 approved courses of training; and

21 (b) the examinations as a result of which approved qualifications are
22 granted, and for the purposes of performing that duty, the Council may appoint,
23 either from among its members or otherwise, persons to visit approved
24 institutions or to observe such examinations.

25 (2) It shall be the duty of a person appointed under this section to
26 report to the Council on:

27 (a) the adequacy of the instruction given to persons attending
28 approved courses of training at institutions visited by him/her;

29 (b) the adequacy of the examinations attended by him; and

30 (c) any other matters relating to the institutions or examinations on

1 which the Council may, either generally or in a particular case, request him
2 to report, but no such person shall interfere with the giving of any instruction
3 or the holding of any examination.

4 (3) On receiving a report made in pursuance of this section, the
5 Council may, if it thinks fit, and shall, if so required by the institution, send a
6 copy of the report to the person appearing to the Council to be in charge of
7 the institution or responsible for the examination to which the report relates,
8 requesting that person to make an observation on the report to the Council
9 within such period as may be specified in the request, not being less than one
10 month beginning with the date of the request.

11 11.-(1) There shall be a tribunal to be known as the Nigerian
12 Association of Paralegals Disciplinary Tribunal (in this Act referred to as
13 lithe Tribunal ") which shall be charged with the duty of considering and
14 determining any case referred to it by the Investigating Panel established by
15 the following provisions of this section and any other case of which the
16 Tribunal has cognisance under the following provisions of this Act.

Establishment
of Disciplinary
Tribunal and
Investigating Panel

17 (2) The Tribunal shall consist of the Chairman of the Council and
18 six other members of the Council appointed by the Council.

19 (3) There shall be a body to be known as the Nigerian Association
20 of Paralegals Investigating Panel (in this Act referred to as lithe Panel")
21 which shall be charged with the duty of:

22 (a) conducting a preliminary investigation into any case where it is
23 alleged that a person registered has misbehaved in his capacity as a member
24 or should for any other reason be the subject of proceedings before the
25 Tribunal; and

26 (b) deciding whether the case should be referred to the Tribunal.

27 (4) The Panel shall be appointed by the Council and shall consist of
28 four members of the Council and additional one person of whom shall not be
29 a member of the Council and the panel shall appoint its chairman and
30 secretary from its members.

Penalties for
unprofessional
conduct

1 (5) The provisions of the Second Schedule to this Act shall, so far as
2 applicable to the tribunal and panel respectively, have effect with respect of
3 those bodies.

4 (6) The Council may make rules not inconsistent with this Act as to
5 acts which constitute professional misconduct.

6 **12.-(1)** Where:

7 (a) a person registered under this Act is judged by the Tribunal to be
8 guilty of infamous conduct in any professional respect; or

9 (b) a person is convicted, by any court or tribunal in Nigeria or
10 elsewhere having power to award imprisonment, of an offence (whether or not
11 punishable with imprisonment) which in the opinion of the Tribunal is
12 incompatible with the status of a member of the profession; or

13 (c) the tribunal is satisfied that the name of any person has been
14 fraudulently registered, the Tribunal may, if it thinks fit, give a direction
15 reprimanding that person or ordering the Registrar to strike his name off the
16 relevant part of the register.

17 (2) The Tribunal may, if it thinks fit, defer its decision as to the giving
18 of a direction under subsection (1) of this section until a subsequent meeting of
19 the Tribunal; but:

20 (a) no decision shall be deferred under this subsection for periods
21 exceeding two years in the aggregate; and

22 (b) no person shall be a member of the Tribunal for the purposes of
23 reaching a decision which has been deferred or further deferred, unless he was
24 present as a member of the Tribunal when the decision was deferred.

25 (3) For the purposes of subsection (1) (b) of this section, a person
26 shall not be treated as convicted, unless the conviction stands at a time when no
27 appeal or further appeal is pending or may (without extension of time) be
28 brought in connection with the conviction.

29 (4) When the Tribunal gives a direction under subsection (1) of this
30 section, the Tribunal shall cause notice of the direction to be served on the

1 person to whom it relates.

2 (5) A person to whom a direction relates may, at any time within 28
3 days from the date of service on him of notice of the direction, appeal against
4 the direction to the Court of Appeal and the Tribunal may appear as
5 respondent to the appeal and, for the purpose of enabling directions to be
6 given as to the costs of the appeal and of proceedings before Court of
7 Appeal, the Tribunal shall be deemed to be a party thereto whether or not it
8 appears on the hearing of the appeal.

9 (6) A direction of the Tribunal under subsection (1) of this section,
10 shall take effect where:

11 (a) no appeal under this section is brought against the direction
12 within the time limited for the appeal, on the expiration of that time;

13 (b) an appeal is brought and is withdrawn or struck out for want of
14 prosecution, on the withdrawal or striking out of the appeal;

15 (c) an appeal is brought and is not withdrawn or struck out as
16 aforesaid, if and when the appeal is dismissed, and shall not take effect
17 except in accordance with the foregoing provisions of this subsection.

18 (7) A person whose name is struck off the register in pursuance of a
19 direction of the Tribunal under this section, shall not be entitled to be
20 registered again except in pursuance of a direction in that behalf and a
21 direction under this section for the striking off of a person's name from the
22 register, may prohibit an application under this subsection by that person
23 until the expiration of such period from the date of the direction (and where
24 he has duly made such an application, from the date of his last application) as
25 may be specified in the direction.

26 **13.** The provisions of this Act applies

27 **14.**-(1) Subject to subsection (2) of this section, a person shall be
28 deemed to practice as a member of the profession if, in consideration of
29 remuneration received or to be received and whether by himself or in
30 partnership with any other person:

Application of
this Act to
unregistered
persons

When a person
is deemed to
practice as a
member

1 (a) he engages himself in the practice of paralegalism or holds himself
2 out to the public as a member of the Association; or

3 (b) he renders professional service or assistance in or about matters of
4 principle or detail relating to paralegalism; or

5 (c) he renders any other service which may by regulations made by
6 the Council, be designed as service constituting paralegalism practice; or

7 (2) Nothing in this section shall be construed so as to apply to persons
8 who, while in the employment of any Government, or engaged in commerce
9 and industry perform the duties or any of the duties of an paralegal.

Rules as to
practice, etc.

10 **15.**-(1) The Council may also make rules:

11 (a) prescribing the amount and due date for repayment of the annual
12 subscription;

13 (b) prescribing the form of licence to practice to be issued annually or,
14 if the Council thinks fit, by endorsement on an existing licence; and

15 (c) restricting the right to practice in default of payment of the amount
16 of the annual subscription where the default continues for longer than such
17 period as may be prescribed by the rules,

18 (d) providing Code of Conduct for Paralegals in Nigeria,

19 (3) Rules when made under this section shall, if the chairman of the
20 Council so directs, be published in the Gazette,

Provision of
library facilities

21 **16.** The Association shall:

22 (a) provide and maintain a library comprising books and publications
23 for the advancement of knowledge of paralegalism and such other books and
24 publications as the Council may think necessary for 1 purpose;

25 (b) encourage research into Nigerian and international paralegal
26 practice and such subjects as may be relevant to paralegalism to the extent that
27 the Council may, from time to time consider necessary,

Offences

28 **17.**-(1) If any person, for the purpose of procuring the registration of
29 any name, qualification or other matter:

1 (a) makes a statement which he believes to be false in a material
2 particular; or

3 (b) recklessly makes a statement which is false in a material
4 particular, he shall be guilty of an offence.

5 (2) If, on or after the relevant date, any person who is not a member
6 of the Association practices or holds himself out to practice for or in
7 expectation of reward or takes or uses any name, title, addition or
8 description implying that he is a member of the Association shall be guilty of
9 an offence:

10 Provided that, in the case of a person falling within section 13 of
11 this Act:

12 (a) this subsection shall not apply in respect of anything done by
13 him during the period of three months mentioned in that section; and

14 (b) if within that period he duly applies for membership of the
15 Association then, unless within that period he is notified that his application
16 has not been approved, this subsection shall not apply in respect of anything
17 done by him between the end of that period and the date on which he is
18 registered or is notified as aforesaid.

19 (3) If the Registrar or any other person employed by or on behalf of
20 the Association willfully makes any falsification in any matter relating to the
21 register, he shall be guilty of an offence.

22 (4) A person guilty of an offence under this section shall be liable:

23 (a) on summary conviction, to a fine of an amount not below
24 N20,000;

25 (b) on conviction on indictment, to a fine of an amount not
26 exceeding N100,000 or to imprisonment for a term not exceeding two years,
27 or to both such fine and imprisonment.

28 **18.**-(1) Any regulations made under this Act, shall be published in
29 the Gazette as soon as may be after they are made and a copy of any such
30 regulations shall be forwarded to the Minister not later than seven days

Regulations
and rules

1 before they are published.

2 (2) Rules made for the purposes of this Act, shall be subject to
3 confirmation by the Association at its next general meeting or at any special
4 meeting of the Association convened for that purpose, and if annulled, shall
5 cease to have effect on the day after the date of annulment, but without
6 prejudice to anything done in pursuance or intended pursuance of any such
7 rules.

Interpretation

8 **19.** In this Act, unless the context otherwise requires:

9 "Association" means the Nigerian Association of Paralegals established by
10 section 1 of this Act;

11 "Council" means the Council established as the governing body of the
12 Association under section 3 of this Act;

13 "Disciplinary Tribunal" means the Nigerian Association of Paralegals
14 Disciplinary Tribunal established under section 11 of this Act;

15 "fees" includes annual subscription;

16 "Investigating Panel" means the Nigerian Association of Paralegals
17 Investigating Panel established under section 11 of this Act;

18 "member of the Association" means a member of the Association licenced to
19 practice as paralegal in Nigeria;

20 "Minister" means the Attorney General of the Federation;

21 "NNA" means Nigerian National Paralegal;

22 "Paralegal" means a registered and financial member of the Association

23 "President and Vice-President" means respectively the office-holders under
24 those names in the Association;

25 "profession" means paralegalism;

26 "register" means the register maintained in pursuance of section 6 of this Act.

27 "Registrar" means a person appointed under section 6 of this Act;

28 "state" also means the Federal Capital Territory.

Short title

29 **21.** This Bill may be cited as the Nigerian Association of Paralegals
30 Bill, 2024.

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SCHEDULES

FIRST SCHEDULE

[Section 3 (9).]

Supplementary Provisions relating to the Council

Qualifications and Tenure of Office of Members of the Council

1.-(1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of three years beginning with the date of his appointment or nomination.

(2) Any member of the Association who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office in the Council.

(3) Any member of the Council may, by notice in writing under his hand addressed to the President, resign his office.

(4) A person who retires from or otherwise ceases to be a nominated member of the Council shall be eligible again to become a member of the Council.

(5) Nominations to the Council shall be held in such manner as may be prescribed by rules made by the Council.

(6) If for any reason, a member of Council vacates office and:
(a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person to fill that vacancy;
(b) such member was nominated, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Association appears to warrant the filling of the vacancy, co-opt a fit person for such time as aforesaid.

Proceedings of the Council

2.-(1) Subject to the provisions of this Act, the Council may in the name of the Association make standing orders regulating the proceedings of the Association or of any committee thereof.

(2) The standing orders made under sub-paragraph (1) of this

1 paragraph shall provide for decisions to be taken by a majority of the members
2 and, in the event of an equality of votes, the President or the Chairman shall
3 have a second or casting vote.

4 (3) Standing orders made for a committee shall be for the committee
5 to report back to the Council on any matter referred to it by the Council.

6 (4) The quorum of the Council shall be seven and the quorum of a
7 committee of the Council shall be determined by the Council.

8 *Meeting of the Association*

9 3.-(1) The Council shall convene the meeting of the Association in
10 July in every year or on such other day as the Council may, from time to time,
11 appoint, so however, that if the meeting is not held within one year after the
12 previous meeting, not more than fifteen months shall elapse between the
13 respective dates of the two meetings.

14 (2) A special meeting of the Association may be convened by the
15 Council at any time and if not less than twenty members of the Association so
16 require, by notice in writing addressed to the Registrar of the Council setting
17 out the object of the proposed meeting, and the Chairman of the Council shall
18 convene a special meeting of the Association.

19 (3) The quorum of any meeting of the Association shall be twenty
20 members and that of any special meeting of the Association shall be fifty
21 members.

22 *Meeting of the Council*

23 4.-(1) Subject to the provisions of any standing orders of the Council,
24 the Council shall meet whenever it is summoned by the Chairman and if the
25 Chairman is required to do so, by notice in writing given to him by not less than
26 five other members he shall summon a meeting of the Council to be held within
27 fourteen days from the date on which the notice is given.

28 (2) At any meeting of the Council, the President, or in his absence the
29 Vice- President, shall preside; but if both are absent, the members present at the
30 meeting shall appoint one of their number to preside at the meeting.

1 (3) Where the Council desires to obtain the advice of any person on
2 a particular matter, the Council may co-opt him as a member for such period
3 as the Council thinks fit; but a person who is a member by virtue of this sub-
4 paragraph, shall not be entitled to vote at any meeting of the Council and
5 shall not count towards a quorum.

6 (4) Notwithstanding anything in the foregoing provisions of this
7 paragraph, the first meeting of the Council shall be convened after
8 consultation with the Minister.

9 *Committees*

10 5.-(1) The Council shall appoint one committee in each state of the
11 Federation to coordinate the affairs of the Association in each state with
12 Chief Registrar of High Court of each State as the Chairman.

13 (2) The Council may appoint one or more committees to carry out
14 on behalf of the Association or of the Council such functions as the Council
15 may determine.

16 (2) A committee appointed under this paragraph shall consist of the
17 number of persons determined by the Council of whom not more than one
18 third may be persons who are not members of the Association.

19 (3) A person other than a member of the Council shall hold office
20 on the committee in accordance with the terms of the letter by which he was
21 appointed.

22 (4) A decision of a committee shall be of no effect until it is
23 confirmed by the Council.

24 *Miscellaneous*

25 6.-(1) The fixing of the seal of the Association shall be
26 authenticated by the signature of the chairman or of some other members of
27 the Council authorised generally or specially by the Association to act for
28 that purpose.

29 (2) Any contract or instrument which, if made or executed by a
30 person not being a body corporate, would not be required to be under seal,

1 may be made or executed on behalf of the Association or of the Council, as the
2 case may require, by any person generally or specially authorised to act for that
3 purpose by the Council.

4 (3) Any document purporting to be a document duly executed under
5 the seal of the Association shall be received in evidence and shall, unless the
6 contrary is proved, be deemed to be so executed.

7 7. The validity of any proceedings of the Association or the Council or
8 of a committee of the Council shall not be adversely affected by any vacancy in
9 membership or by any defect in the appointment of a member of the
10 Association or of the Council or of a person to serve on the committee or by
11 reason that a person not entitled to do so took part in the proceedings.

12 8. Any member of the Association or of the Council and any person
13 holding office on a committee of the Council, who has a personal interest in any
14 contract or arrangement entered into or proposed to be considered by the
15 Council on behalf of the Association or on behalf of the Council thereof, shall
16 forthwith disclose his interest to the President or to the Council, as the case may
17 be, and shall not vote on any question relating to the contract or arrangement.

18 9. A person shall not by reason only of his membership of the
19 Association be treated as holding an office in the public service of the
20 Federation.

1 SECOND SCHEDULE

2 *[Section 11 (5).]*3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
4 TRIBUNAL AND INVESTIGATING PANEL5 *The Disciplinary Tribunal*6 1. The quorum of the Disciplinary Tribunal shall be four of whom
7 at least two shall be registered members.8 2.-(1) The Attorney-General of the Federation may make rules as
9 to the selection of members of the Disciplinary Tribunal for the purpose of
10 any proceeding, and as to the procedure to be followed and the rules of
11 evidence to be observed in proceedings before the Disciplinary Tribunal.

12 (2) The rules shall in particular provide:

13 (a) for securing that notice of the proceedings shall be given at such
14 time and in such manner as may be specified by the rule to the person who is
15 the subject of the proceedings;16 (b) for determining who, in addition to the person aforesaid, shall
17 be a party to the proceedings;18 (c) for securing that any party to the proceedings shall, if he so
19 requires, be entitled to be heard by the Disciplinary Tribunal;20 (d) for securing that any party to the proceedings may be
21 represented by a legal practitioner;22 (e) subject to the provisions of section 12 (5) of this Act, as to the
23 costs of proceedings before the Disciplinary Tribunal;24 (f) for requiring, in a case where it is alleged that the person who is
25 the subject of the proceedings is guilty of infamous conduct in any
26 professional respect, that where the Disciplinary Tribunal adjudges that the
27 allegation has not been proved it shall record a finding that the person is not
28 guilty of such conduct in respect of the matters to which the allegation
29 relates; and

30 (g) for publishing in the Gazette notice of any direction of the

1 Disciplinary Tribunal which has taken effect providing that a person's name
2 shall be struck off a register.

3 3. For the purposes of any proceedings before the Disciplinary
4 Tribunal any member of the Disciplinary Tribunal may administer oaths and
5 any party to the proceedings may file the registry of the High Court writs of
6 subpoena ad testificandum and duces tecum, but no person appearing before
7 the Disciplinary Tribunal shall be compelled:

8 (a) to make any statement before the Disciplinary Tribunal tending to
9 incriminate himself; or

10 (b) to produce any document under such a writ which he could not be
11 compelled to produce at the trial of an action.

12 4.-(1) For the purpose of advising the Disciplinary Tribunal on
13 questions of law arising in proceedings before it, there shall in all such
14 proceedings be an assessor to the Disciplinary Tribunal who shall be appointed
15 by the Council on the nomination of the Attorney-General of the Federation
16 and shall be a legal practitioner of not less than seven years' standing.

17 (2) The Attorney-General of the Federation shall make rules as to the
18 functions of assessors appointed under this paragraph and in particular such
19 rules shall contain provisions for securing:

20 (a) that where an assessor advises the Disciplinary Tribunal on any
21 question of law as to evidence, procedure or any other matters specified by the
22 rules, he shall do so in the presence of every party or person representing a party
23 to the proceedings who appears thereat or, if the advice is tendered while the
24 Disciplinary Tribunal is deliberating in private, that every such party or person
25 as aforesaid shall be informed what advice the assessor has tendered; and

26 (b) that every such party or person as aforesaid shall be informed if in
27 any case the Disciplinary Tribunal does not accept the advice of the assessor on
28 such a question as aforesaid.

29 (3) An assessor may be appointed under this paragraph either
30 generally or for any particular proceedings or class of proceedings and shall he

1 hold and vacate office in accordance with the terms of the letter by which he
2 is appointed.

3 *The Investigating Panel*

4 5. The quorum of the Investigating Panel shall be three.

5 6.-(1) The Investigating Panel may, at any of its meetings attended
6 by all the members of the Investigating Panel, make standing orders with
7 respect to the Investigating Panel.

8 (2) Subject to the provisions of any such standing orders, the
9 Investigating Panel may regulate its own procedure.

10 *Miscellaneous*

11 7.-(1) A person ceasing to be a member of the Disciplinary Tribunal
12 or the Investigating Panel shall be eligible for appointment as a member of
13 the Disciplinary Tribunal or Investigating Panel, as the case may be.

14 (2) A person may, if otherwise eligible, be a member of both the
15 Disciplinary Tribunal and the Investigating Panel; but no person who acted
16 as a member of the Investigating Panel with respect to any case shall act as a
17 member of the Disciplinary Tribunal with respect to that case.

18 8. The Disciplinary Tribunal or the Investigating Panel may act
19 notwithstanding any vacancy in its membership, and the proceedings of
20 either body shall not be invalidated by any irregularity in the appointment of
21 a member of that body or subject to paragraph 7 (2) of this Schedule, by
22 reason of the fact that any person who was not entitled to do so took part in
23 the proceedings of that body.

24 9. Any document authorised or required by virtue of this Act to be
25 served on the Disciplinary Tribunal or the Investigating Panel shall be
26 served on the Registrar.

27 10. Any expenses of the Disciplinary Tribunal or the Investigating
28 Panel shall be defrayed by the Association.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Association of Paralegals charged, among other things, with the responsibility of determining the standard of knowledge and skills required of persons seeking to become members of the Association.