

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON TUESDAY THE 2ND DAY OF APRIL, 2019
BEFORE HIS LORDSHIP, HON. JUSTICE F. O. G. OGUNBANJO
J U D G E

SUIT NO: FHC/ABJ/CS/925/2018

BETWEEN:

OLUMIDE BABALOLA

APPLICANT

AND

**THE CHIEF REGISTRAR,
SUPREME COURT OF NIGERIA**

RESPONDENT



200298836770

JUDGMENT

The Plaintiff filed an Originating Summons on the 28th of August, 2018 dated 20th of August, 2018 praying the Court for the determination of the following questions: -

1. A Declaration that, the phrase "post call" used in the Legal Practitioners Act and Legal Practitioners (Bar Practicing Fees) Notice excludes the year of call to bar by virtue of the Applicant's payment of practicing fees for and in the year of his call to bar.
2. A Perpetual Injunction restraining the Respondent and its officers from including or further the Applicant's year of call in the computation of his post call years.
3. Other Consequential Order(s) as this Honourable Court may deem fit to grant in the circumstance.

In support of the Originating Summons is a fourteen (14) paragraphs Affidavit dated 28th of August, 2018 and a Written Address dated 20th of August, 2018 and both filed on the 28th of August, 2018.

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Signature.....

Date..... 6/5/19

Abu S-O
(H e r e)

The issue for determination formulated by the Learned Counsel to the Applicant, Olumide Babalola, Esq., is

Whether or not by the interpretation of the provisions of Section 3(a) and schedule to the Legal Practitioners Act and Legal Practitioners (Bar Practicing Fees) Notice vis a vis the circumstances of this case, the phrase "post call" ought not be interpreted to include the Applicant's year of call to bar?

In opposition to the said Originating Summons, the Respondent filed a six (6) paragraphs Counter Affidavit and a Written Address both dated and filed on the 22nd of November, 2018.

The Learned Counsel to the Respondent, Noah Abdul, Esq., adopted the lone issue for determination formulated by the Applicant.

The facts of both parties and the submissions of their respective legal Counsel are as contained in the above processes filed in this matter.

The crux of the Applicant's claim is that the word "post call" was not defined in the **Legal Practitioners Act Cap 207 LFN 2004 (LPA)** and therefore the Court ought to give it its literal and ordinary meaning.

He submitted that the word "post" is generally defined as "after" and that consequently, "post call" means "after call".

He further submitted that in the computation of a Legal Practitioner's post call years, the year of call ought not to be included in it.

The Applicant's submission is to the effect that once a person is called to bar, his post call year begins to count the next year after the year of his call to bar.

The Applicant relied on **Section 8(3)** of the **LPA** but neglected to consider **Section 8(2)** of the **LPA** preceding **Section 8(3)** of the **LPA**. Consequently, the Applicant's submissions based on **Section 8(3)** of the **LPA** are misconceived and misguided.

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Be that as it may, **Section 8(2) of the LPA** provides as follows: -

"No legal practitioner (other than such a person as is mentioned in subsection (3) of Section 2 of this Act) shall be accorded the right of audience in any Court in Nigeria in any year, unless he has paid to the Registrar in respect of that year, a practicing fee as is from time to time prescribed by the Attorney-General of the Federation after consultation with the association.

Giving its ordinary meaning, the minute a person is called to the bar, irrespective of the month he is called to bar, he must pay practicing fee for that year in which he was called to bar in line with the provision of **Section 8(2)** of the **LPA**. Underlined above for emphasis.

The implication of the erroneous submission made by the Applicant is that if a person is called to bar in the middle months of the year like June or July or even in the later months of the year, if he fails to pay practicing fee for that year he was called to bar, that person will be unable to practice law in that year he was called to bar until the next year after the year he was called to bar, having not paid the practicing fee for the year he was called to bar.

It appears like the purpose, meaning and intention of **Section 8(2)** of the **LPA** is lost on the Applicant.

The application filed by the Applicant is a display of the Applicant's lack of understanding of the **LPA** particularly **Section 8**, even when all that is needed is a literal and ordinary meaning of the wordings of the Act.

The purpose, meaning and intention of **Section 8(2)** of the **LPA** is that the moment a person is called to bar, his "post call" year begins to count from that year he was called to bar and the person must pay practicing fee for that year he was called to bar and I so hold.



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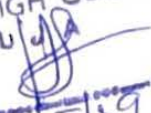
The Applicant's said Originating Summons filed on the 28th of August, 2018 lacks merit in its entirety and is hereby refused and dismissed.



Hon. Justice. F. O. G. Ogunbanjo
Judge
2nd April, 2019

Appearances:

Olivia Audu, Esq. for the Applicant
Victoria Agi, Esq. for the Respondent

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