

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON FRIDAY 8th DAY OF MAY, 2026
BEFORE HIS LORDSHIP, HON. JUSTICE B.F.M. NYAKO
JUDGE
SUIT NO: FHC/ABJ/CS/2241/2025**

BETWEEN:

1. CHRISTABEL ZOE AYUK, ESQ
2. QUEENDALINE ODINKEMMA EWO, ESQ
3. EDEKI FRIDAY JOMANI, ESQ
4. SUNDAY OKEREMUTE AKPORIDO, ESQ
5. STEPHEN DANJUMA ZIRI, ESQ
6. ABDULLAHI ABUBAKAR, ESQ
7. CLIVE ENYEMEARELU OTAIGBE, ESQ
8. AKINWALE SUNDAY MICHEAL, ESQ
9. TEMITOPE BENSON AKEREDOLU, ESQ
10. ABULAZEEZ AYOBAMI ABDULKAREEM, ESQ
11. NDAMZI OGBONDA EKWULO, ESQ
12. OSEIKHUMEN AINABEBHOLD

(SUING FOR THEMSELVES AS NIGERIAN LEGAL PRACTITIONERS AND MEMBERS OF THE NIGERIAN BAR ASSOCIATION AND MEMBERS OF AN UNINCORPORATED ASSOCIATION OF NIGERIAN LAWYERS KNOWN AS ADVOCACY FOR BAR LICENCE FREEDOM (ABLIF))

AND

1. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION (NBA)
2. PRESIDENT, NIGERIA BAR ASSOCIATION
3. GENERAL COUNCIL OF THE BAR (GCB)
4. CHIEF REGISTRAR OF THE SUPREME COURT OF NIGERIA
5. ATTORNEY GENERAL OF THE FEDERATION (AGF)

PLAINTIFFS

**FEDERAL HIGH COURT
ABUJA**

25 MAY 2026

CASHIER

RESPONDENT

214 67700398

PARTIES: 1st Plaintiff in Court

APPEARANCES: HAMMED AJIBOLA JIMMOH ESQ. and OLADOYIN HADIZAT MORENIKE ESQ FOR THE PLAINTIFF
A.I JAMBIL ESQ FOR 1ST AND 2ND RESPONDENT
HADIZA M. HASHIM ESQ FOR 3RD AND 5TH RESPONDENT
FAVOUR OTUNEYE ESQ FOR 4TH RESPONDENT

JUDGEMENT

The Plaintiff filed an amended originating summons on the 28th November, 2025, for the determination of the following questions:



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Amagachin
H.C.

1. Whether by virtue of **s. 1(1), 6(6)(b), 36(1), 39, 40 and 46 of the constitution of the Federal Republic of Nigeria, 1999, and s. 2, 4, 8, 9 and 12 of the Legal Practitioners Act, 2004**, the General Council of the Bar (GCB) has the legal competence to make **Rule 10 of the Rules of Professional Conducts for Legal Practitioners, 2023** which imposes use of approved Nigerian Bar Association seal and or stamp before any legal instrument or document duly signed or filed by a lawyer could be validly so signed or filed and **Rules 11 and 12 of the Rules of Professional Conduct for legal practitioners, 2023** which impose mandatory continuing legal education (CLE) and thereby restrict the right of legal practitioners to practice law when such powers are not expressly or impliedly conferred by the Act?
2. Whether having regard to the provisions of the **Legal Practitioners Act, 2004 (LPA), particularly sections 2, 4, 8 and 9**, the right of a legal practitioners to practice law and validate any legal instrument or document in Nigeria is conditional upon the use of an approved Nigerian Bar Association- seal and stamp (i.e. by Rule 10 thereof) and use of completion of any Mandatory Continuing Legal Education (MCLE) or Mandatory Continuing Professional Development(MCPD) programme, apart from being called to the Bar and payment of the annual practicing fee to the Chief Registrar of the Supreme Court of Nigeria?
3. Whether the General Council of the Bar did not act ultra vires the Legal Practitioners Act by enacting **Rule 10 of the Rules**



of Professional Conduct for Legal Practitioners, 2023 which imposes and or mandates use of approved Nigerian Bar Association seal or stamp including issuance of purported "PRACTICE LICENCE" in any year or period to any legal practitioner by a lawyer before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** which purport to make continuing legal education and Nigerian Bar Association (NBA) verification a precondition for practicing law despite such not amounting to or being related to professional misconduct within the meaning of the intendment of the Act?

4. Whether the purported **Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or stamp by a lawyer before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed including issuance of purported practice licence in any year or period to any legal practitioner and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** which purport to make continuing legal education and Nigerian Bar Association (NBA) Mandatory Continuing Professional Development (MCDB) Rules, 2025 and the NBA directive making completion of continuing legal education mandatory as a precondition for the right to practice as lawyers (assuming but without conceding that the said **Rule 10 of the Rules of Professional Conduct for legal**



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Practitioners, 2023 is validly made) are not unconstitutional, null and void being inconsistent with the provisions of the Legal Practitioners Act and Constitution of the Federal Republic of Nigeria, 1999 (as amended)?

5. Whether the incorporated trustees of the Nigerian Bar Association being a voluntary association and not a statutory creation of the Legal Practitioners Act, can lawfully restrict, suspend, or regulate the practice of law of any person whose name appears on the roll kept by the Supreme Court of Nigeria and or issue practice licence to such person and or lawyer?

6. Whether the Chief Registrar of the Supreme Court can lawfully delegate or subject the issuance of annual practice licence to Nigerian Bar Association and to subject same to Nigerian Bar Association verification based on rules or law(s) not made by the National Assembly?

The Plaintiff is seeking the following reliefs:

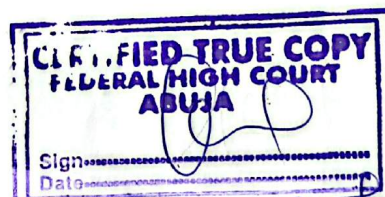
- i. A declaration of the Honorable court that **Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or stamp by a lawyer before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** made by the General Council of the Bar are ultra vires, unconstitutional, null and void for being inconsistent with the provisions of the Legal



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- Practitioners Act and the Constitution of the Federal Republic of Nigeria, 1999 (As amended).
- ii. A DECLARATION OF THIS COURT that the General Council of the Bar is empowered under **s. 12(4) of the Legal Practitioners Act, 2004** to make rules of professional conduct only in respect of acts or omissions amounting to “professional misconduct” and not for imposing and or mandating administrative, educational or regulatory restrictions unrelated to misconduct.
 - iii. A DECLARATION OF THIS COURT that the Nigerian Bar Association (NBA) whether through its registered trustees or committees or any organ or institute lacks the constitutional or statutory power to regulate or restrict the right of any person duly enrolled as a legal practitioner and who has paid the annual practicing fee to practice law in Nigeria.
 - iv. A DECLARATION OF THIS COURT that having regard to the provisions of the Legal Practitioners Act (LPA) particularly s. 2, 4, 8 and 9 the right of a legal practitioner to practice law in Nigeria and sign or file any legal instrument or document or for same to be validly signed or filed is not conditional upon the affixing of any approved Nigerian Bar Association seal and stamp apart from being called to the bar and payment of the annual practicing fee to the chief registrar of the supreme court of Nigeria i.e declaring that such legal instrument duly signed or filed by such lawyer is valid in the eyes of the law and or legally



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without the need to affix any approved Nigerian Bar Association seal and or stamp.

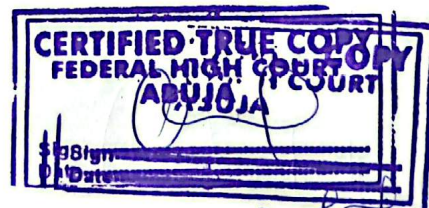
v. A DECLARATION OF THIS COURT that having regard to the provisions of the Legal Practitioners Act (LPA) particularly s. 2, 4, 8 and 9 the right of a legal practitioner to practice law in Nigeria is not conditional upon the completion of any Mandatory Continuing Professional Development (MCPD) programme apart from being called to the bar and payment of the annual practicing fee to the chief registrar of the **supreme court of Nigeria.**

vi. **A DECLARATION THAT Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or stamp including issuance of purported "PRACTICE LICENCE" in any year or period to any legal practitioner by a lawyer before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023**, Nigerian Bar Association(NBA) Mandatory Continuing Professional Development (MCPD) Rules, 2025 and the NBA directive making completion of continuing legal education mandatory as a precondition for the issuance of NBA approved seals from 31st March, 2026 or any other time or date (assuming but without conceding that the said **Rule 10 of the Rules of Professional conducts for legal practitioners, 2023** is validly made) and same to be a precondition for the right



to practice as lawyers are unconstitutional, null and void being inconsistent with the provisions of the Legal Practitioners Act and Constitution of the federal Republic of Nigeria, 1999 (as amended).

- vii. A DECLARATION OF THIS COURT that the Chief Registrar of the supreme court cannot lawfully withhold or condition the issuance of the annual practice licence to lawyers who are qualified for same in any given year upon compliance with Nigerian Bar association mandatory continuing legal education or mandatory continuing professional development verification or upon any other condition not clearly and or expressly stipulated in the Legal Practitioners Act, 2004.
- viii. AN ORDER OF THIS COURT that any legal instrument or document duly signed or filed by a person or lawyer including the Plaintiffs jointly and or severally whose name is on the roll of legal practitioners kept by the supreme court and who has paid the prescribed annual practicing fees to the chief registrar of the supreme court in compliance with the Legal Practitioners Act (LPA), 2004 particularly s. 2 and 8 thereof is valid and or has or shall have valid legal effect whatever before any person or authority.
- ix. AN ORDER of this court striking out and or expunging the declared offensive and or null and void provisions pf the purported **Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or

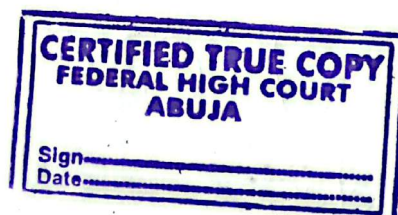


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stamp including issuance of purported "PRACTICE LICENCE" in any year or period to any legal practitioner by a lawyer before any legal instrument or document duly signed or **filed by such lawyer could be validly so signed or filed and Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** which purport to make continuing legal education and Nigerian Bar Association (NBA) Mandatory Continuing Professional Development (MCPD) Rules, 2025 and the NBA directive making completion of continuing legal education mandatory as a precondition for the issuance of NBA approved seals from 31st March 2026 or any other time or date or applying the blue pencil rule where necessary thereto.

- x. AN ORDER of perpetual injunction of this court restraining the Defendants jointly and severally their agents, servants, officers or privies from implementing, enforcing or giving effect to **Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or stamp including issuance of purported "PRACTICE LICENCE" in any year or period to any legal practitioner or any policy made pursuant thereto as a condition precedent to practicing law or validly signing any legal instrument of document by a lawyer.
- xi. AN ORDER OF PERPETUAL INJUNCTION OF THIS COURT restraining the Defendants jointly and severally their agents, servants, officers or privies from implementing,

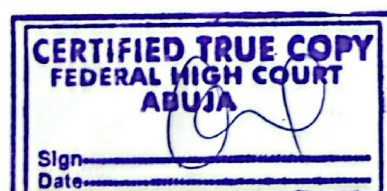


enforcing or giving effect to **Rule 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** or any policy made pursuant thereto including the requirement of mandatory continuing professional development points as a condition precedent to practicing law or any policy requiring attendance at continuing legal education as a pre-condition to issuance of the NBA seal or right to practice law.

- xii. AN ORDER OF THIS COURT directing the Chief Registrar of the Supreme Court to continue to issue receipts, practice licence and maintain the roll of legal practitioners for all persons duly called to the bar and who have paid the prescribed practicing fees (including the Plaintiffs in this suit), irrespective of mandatory continuing professional development compliance.
- xiii. AN ORDER OF THIS HONORABLE COURT for cost of litigation of this suit in the sum of ten million naira (N10,000,000.00) only against the Defendants jointly and severally and in the Plaintiffs' favor for causing the Plaintiffs the inconvenience of this litigation process in this court.
- xiv. Such further or other order as this court may deem fit to make in the circumstances of this suit.

This application is accompanied by a 49-paragraph affidavit with exhibits and a written address wherein learned counsel formulated 6 issues for determination to wit:

1. Whether by virtue of **s. 1(1), 6(6)(b), 36(1), 39, 40 and 46 of the Constitution of the Federal Republic of Nigeria, 1999**



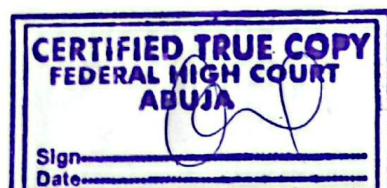
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enforcing or giving effect to **Rule 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** or any policy made pursuant thereto including the requirement of mandatory continuing professional development points as a condition precedent to practicing law or any policy requiring attendance at continuing legal education as a pre-condition to issuance of the NBA seal or right to practice law.

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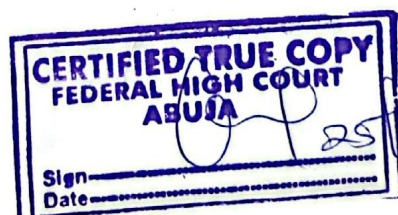
This application is accompanied by a 49-paragraph affidavit with exhibits and a written address wherein learned counsel formulated 6 issues for determination to wit:

1. Whether by virtue of **s. 1(1), 6(6)(b), 36(1), 39, 40 and 46 of the Constitution of the Federal Republic of Nigeria, 1999**



and s. 2, 4, 8, 9 and 12 of the Legal Practitioners Act, 2004, the General Council of the Bar has the legal competence to make Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023 which imposes and or mandates use of approved Nigerian Bar Association seal or stamp before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** which impose mandatory continuing legal education and thereby restrict the right of legal practitioners to practice law, when such powers are not expressly or impliedly conferred by the Act?

2. Whether having regard to the provisions of the Legal Practitioners Act, 2004 (LPA), particularly sections 2, 4, 8 and 9, the right of a legal practitioners to practice law and validate any legal instrument or document in Nigeria is conditional upon the use of an approved Nigerian Bar Association- seal and stamp (i.e. by Rule 10 thereof) and use of completion of any Mandatory Continuing Legal Education (MCLE) or Mandatory Continuing Professional Development(MCPD) programme, apart from being called to the Bar and payment of the annual practicing fee to the Chief Registrar of the Supreme Court of Nigeria?
3. Whether the General Council of the Bar did not act ultra vires the Legal Practitioners Act by enacting **Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or stamp including issuance of purported "PRACTICE LICENCE" in any year or period to any legal



practitioner by a lawyer before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** which purport to make continuing legal education and Nigerian Bar Association (NBA) verification a precondition for practicing law despite such not amounting to or being related to professional misconduct within the meaning of the intendment of the Act?

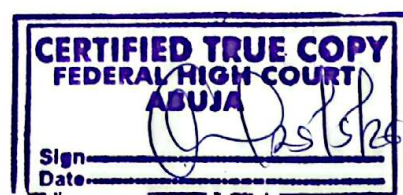
4. Whether the purported **Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2023** which imposes and or mandates use of approved Nigerian Bar Association seal or stamp by a lawyer before any legal instrument or document duly signed or filed by such lawyer could be validly so signed or filed including issuance of purported practice licence in any year or period to any legal practitioner and **Rules 11 and 12 of the Rules of Professional Conduct for Legal Practitioners, 2023** which purport to make continuing legal education and Nigerian Bar Association (NBA) Mandatory Continuing Professional Development (MCDB) Rules, 2025 and the NBA directive making completion of continuing legal education mandatory as a precondition for the right to practice as lawyers (assuming but without conceding that the said **Rule 10 of the Rules of Professional Conduct for legal Practitioners, 2023** is validly made) are not unconstitutional, null and void being inconsistent with the provisions of the Legal Practitioners Act and Constitution of the Federal Republic of Nigeria, 1999 (as amended)?



5. Whether the incorporated trustees of the Nigerian Bar Association being a voluntary association and not a statutory creation of the Legal Practitioners Act, can lawfully restrict, suspend, or regulate the practice of law of any person whose name appears on the roll kept by the Supreme Court of Nigeria and or issue practice licence to such person and or lawyer?
6. Whether the Chief Registrar of the Supreme Court can lawfully delegate or subject the issuance of annual practice licence to Nigerian Bar Association and to subject same to Nigerian Bar Association verification based on rules or law(s) not made by the National Assembly?

On issue 1& 2, counsel submits that the right to practice law in Nigeria flows solely from the Legal Practitioners Act, 2004 and the Constitution of the Federal Republic of Nigeria, 1999 (as amended) not from compliance with any mandatory continuing professional development requirement. That item 49 of the Exclusive Legislative list of the 1999 Constitution of the Federal Republic of Nigeria empowers only the National Assembly to regulate professional practice and or the legal profession.

He submits that this constitutional power has obviously been violated by the Defendants jointly and severally through the 2nd and 3rd Defendants jointly and or severally leading to the enactment, ratification and approval of the **Rules 10, 11 and 12 of the RPC and the Mandatory Continuing Professional Development Rules, 2025** as well as the directives made thereto. That the supreme court in the case of **F.R.N v Osahon 2006 NWLR pt. 973, 361 at page 419, paras F-G PATS-ACHOLONU J.S.C** had this to say:



I wish to state here that whenever any person is called to the bar and is enrolled to practice law that he has the right of audience and unless the constitution eloquently forbids such a person or provides a qualification for appearance in court, any Act prescribing provisions contrary to the spirit of the Constitution should be regarded as atiose”

That this above decision of the supreme court above has alone buried and cemented the grave of **Rules 10, 11 and 12 of the RPC.**

He further submits that no section of the LPA authorizes any other body including the NBA or the General Council of the Bar or the Defendants jointly and or separately to impose additional conditions such as mandatory continuing education as contained in its **Rules 11 and 12 of the RPC** and to condition the practice of law an affixing an approved seal and stamp by the NBA.

That under the doctrine of ‘covering the field’ where the National Assembly has enacted a law in respect of a particular matter, no subordinate legislative body can make any law which has the effect of overriding a law validly enacted by the National Assembly. He refers the court to the case of **Hon. Min. of justice & AGF v Attorney General of Lagos state (2013) All FWLR pt. 704 @ page 1.**

He urges the court to so hold.

On issues 3 & 4, learned counsel submits that the 3rd Defendant derives its powers from s. 12(4) of the LPA is limited to ethical regulation such as honesty, diligence, conflicts of interest, client relations and decorum not licensing or practice qualification. That the 3rd Defendant not being a law-making body cannot enlarge its



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statutory powers by implication to make **Rules 10, 11 and 12 of the RPC.**

He submits that the extent that the purported **Rules 10, 11, and 12 of the Rules of Professional Conducts for Legal Practitioners, 2023**, Nigerian Bar Association (NBA), Mandatory Continuing Professional Development (MCPD) Rules, 2025 and the NBA directive making completion of the continuing legal education mandatory as a precondition for the issuance of NBA approved seals from 31st March, 2026 or any other time or date and same to be a precondition for the right to practice as lawyers and or purport to withdraw or deny access to the NBA seal for non-compliance, they amounts to an unconstitutional interference with the statutory function of the Supreme Court of Nigeria (under s. 2 LPA) and the Chief Registrar of the Supreme Court (under s. 8 of the LPA) who alone determines who may lawfully practice law each year.

He urges the court to so hold.

On issues 5 & 6, counsel submits that the NBA cannot make any rule purporting to determine who may or may not practice law nor can it withhold the stamp and seal a mere administrative device, from a lawyer duly entitled to practice under the LPA and its administrative role in issuing seals does not transform it into a "licensing authority". He refers the court to the case of **Nigerian Bar Association V Kehinde (2018) 11 NWLR (pt. 1631) 326.**

He urges the court to so hold.

The 1st and 2nd Defendant filed a preliminary objection on the 29th December, 2025, praying the court for the following:



1. AN ORDER dismissing this suit for lack of jurisdiction, as the suit is initiated for and on behalf of an unincorporated association of Nigerian Lawyers known as Advocacy for Bar Licence Freedom (ABLIF).
2. AN ORDER striking out the names of the 2nd and 3rd Defendants from this suit as they are non-juristic persons and lack the capacity to be sued.
3. AN ORDER dismissing and/or striking out the suit in limine the instant suit as same was filed/commenced and/or initiated in stark contravention of the Federal High Court Rules 2019.

The grounds for the application are:

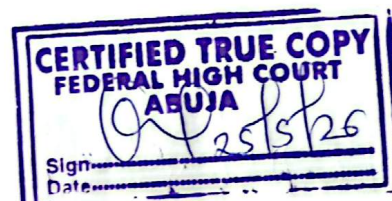
1. The Honorable Court lacks the requisite jurisdiction to entertain this suit in the light of the provisions of s. 251 of the Constitution.
2. The Plaintiffs' action is incompetent and liable to be struck off as it is filed for and on behalf of members of an unincorporated association of Nigerian Lawyers known as Advocacy for Bar Licence Freedom (ABLIF).
3. The 2nd and 3rd Defendants are not juristic persons capable of suing or being sued in that name.
4. The suit seeks a determination of questions already resolved in **NBA v Kehinde (2017) LPELR-42435 (CA)** so that this case is an attempt to put this court on a collusion cause with the Court of Appeal.
5. This action as presently constituted is incurably defective, incompetent and liable to be struck out.



1. AN ORDER dismissing this suit for lack of jurisdiction, as the suit is initiated for and on behalf of an unincorporated association of Nigerian Lawyers known as Advocacy for Bar Licence Freedom (ABLIF).
2. AN ORDER striking out the names of the 2nd and 3rd Defendants from this suit as they are non-juristic persons and lack the capacity to be sued.
3. AN ORDER dismissing and/or striking out the suit in limine the instant suit as same was filed/commenced and/or initiated in stark contravention of the Federal High Court Rules 2019.

The grounds for the application are:

1. The Honorable Court lacks the requisite jurisdiction to entertain this suit in the light of the provisions of s. 251 of the Constitution.
2. The Plaintiffs' action is incompetent and liable to be struck off as it is filed for and on behalf of members of an unincorporated association of Nigerian Lawyers known as Advocacy for Bar Licence Freedom (ABLIF).
3. The 2nd and 3rd Defendants are not juristic persons capable of suing or being sued in that name.
4. The suit seeks a determination of questions already resolved in **NBA v Kehinde (2017) LPELR-42435 (CA)** so that this case is an attempt to put this court on a collusion cause with the Court of Appeal.
5. This action as presently constituted is incurably defective, incompetent and liable to be struck out.



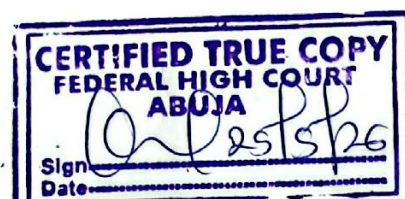
This application is supported by a 15-paragraph affidavit and a written address wherein learned counsel formulated 5 issues for determination to wit:

1. Whether the Plaintiff can maintain this action for and on behalf of an unincorporated association of Nigerian Lawyers known as the Advocacy For Bar Licence Freedom (ABLIF).
2. Whether the 2nd and 3rd Defendants are juristic persons?
3. Whether the subject matter of this suit is within the jurisdiction of the Federal High Court?
4. Whether in view of the decision in the cases of **Yaki V Bagudu & Ors (2015) LPELR - 25721 (SC) and NBA V Kehinde (2017) LPELR- 42435 (CA)**, the questions in this case can be relitigated?
5. Whether the Plaintiff has demonstrated sufficient locus standi to institute this action?

On issue 1, counsel submits that the law is trite that unincorporated entity cannot maintain an action and that the Plaintiff in this case admit that they are conducting this case on behalf of an "unincorporated association of Nigerian lawyers" known as the ABLIF. He refers the court to the cases of **Gov. Kwara state V Lawal (2007) 13 NWLR (pt. 1051) 347; Fawehinmi V NBA & Ors (No. 2) (1989) 2 NWLR (pt. 105) 558.**

That by their claim of their membership in this non-existent entity, the Plaintiffs have built their castle on quicksand, the interest they claim to protect is the interest of a body that the law does not recognize.

On issue 2, learned counsel submits that the Plaintiff went ahead to sue the 2nd and 3rd Defendants who are non-juristic persons.



That even though the president of the Nigerian Bar Association heads the executive committee of the 1st Defendant, that position is not elevated to a juristic personality. He refers the court to the case **Agbonmagbe Bank V General Manager G.B Ollivant Ltd (1961) All N.L.R 116** where the court held that "General Manager, G.B Ollivant Ltd" is not descriptive of a juristic person.

He submits that the same thing applies to the General Council of the bar who is sued as the 3rd Defendant, that the Plaintiff have confused the fact that the 3rd Defendant is recognized as an entity under the Legal Practitioners Act then the 3rd Defendant has acquired the status of juristic personality and this is further from the truth. He submits that though the 3rd Defendant is established under s.1 of the LPA and is charged with the functions outlined in the LPA and NBA Constitution, that the section did not go further to vest the General Council of the Bar a legal personality capable of suing and being sued. He refers the court to the case of **Ifedapo Community Bank Ltd V Eternal Order of C & S Church Saki Branch (2001) 7 Nwlr (pt. 712) 508**.

On the 3rd issue, counsel submits that there is no doubt that it is the actions of the 1st and 3rd Defendants that is in question before this court and that there is nothing in the LPA that donates to this court jurisdiction neither is there anything which shows that the provisions of the s. 251 of the 1999 Constitution has been triggered by this action. That there is nothing in the question for determination that pertains to the 4th and 5th Defendant as to constitute basis for coming to this court.

On the 4th issue, counsel submits that the crux of this action is a challenge of the decision of the 1st Defendant to enforce the

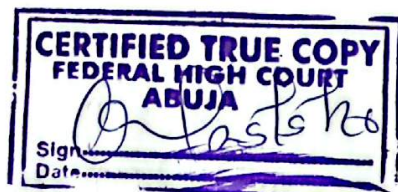


provisions of Rules of Professional Conduct that was made by the Defendant in the exercise of its powers under **s. 12(4) of the Legal Practitioners Act** particularly as it relates to the requirement of sealing legal document and obtaining professional training for each year preceding the year in which the legal practitioner intends to practice. That in the case of **Yaki & Anor V Bagudu & Ors (2015) LPELR - 25721 (SC)** one of the issues for determination in the cross appeal is: "whether the court of appeal was right to hold that the failure of a legal document to have affixed to it a stamp/seal as mandated by **Rule 10 of the RPC** did not carry with it the consequence of rendering such document incompetent.

He submits that it is clear from **Rule 10(3) of the RPC** that such document shall be deemed not to have been properly signed or filed.

Counsel submits that in the case of **N.B.A V Kehinde (2017) LPELR - 42435 (CA)**, the Plaintiff agitated by the decision of the Nigerian Bar Association to carry out verification of legal practitioners and the issuance of stamp and seal challenged the decision before the lagos state high court by originating summons and one of the questions for determination was whether by the provisions of **s. 2(1), 3(1), 4(1) and 7(1), 23(1) and 24(1) of the Legal Practitioners Act Cap. L. 11 laws of the federation of Nigeria 2004; s. 5(1) of the Legal Education (consolidation etc) Act, Cap. L. 10 Laws of the Federation.**

He submits that the question for determination in this case are on all fours with the above cases so that estoppel per rem judicata applies to render this case stale. That to relitigate it is to abuse the



process of this court and that the courts lacks jurisdiction to adjudicate on the same matter again.

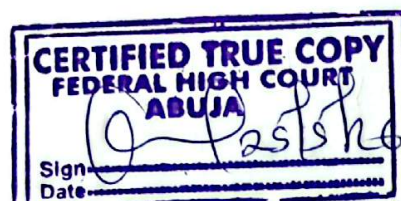
On the 5th issue, counsel submits that for a Plaintiff to be able to claim reliefs in a cause he must have the necessary standing to sue and the cause need not be a subsisting cause of action or fight to some other reliefs. That a Plaintiff's legal right of his own which is vital, real and earnest must be in issue and in absence of a real legal right of a claimant there is nothing relating to his legal position which the court can pronounce upon.

He urges the court to so hold.

The Plaintiff filed a written address on the 5th January, 2026 opposing the 1st and 2nd Defendants joint notice of preliminary objection wherein the Plaintiff joins issues with the 1st and 2nd Defendants on the issues they formulated in their joint notice of preliminary objection.

On issue one, counsel submits that the Plaintiffs have not maintained or instituted this suit for and on behalf of any association or for and on behalf of unincorporated association of Nigerian lawyers known as ABLIF rather the Plaintiffs have maintained or instituted this suit for themselves jointly and or severally.

On issue two, counsel submits that the 2nd Defendant is established under the constitution of the Nigerian Bar Association (NBA) and performs acts that affect the public or Nigerian lawyers including the Plaintiffs within his official capacity and not just a mere office, that the 1st and 2nd Defendant lack the locus to challenge the juristic personality or joinder of a co-defendant i.e. the 3rd Defendant and that only the affected party (i.e the 3rd



...ndant) can raise such an objection and here it has not done
He referred the court to the case of **Igweanagu V Min. F.C.T**
(2025) 7 NWLR (pt. 1988) 145, P. 181, paras D - E.
Counsel further submits that even if this court would hold that the
2nd Defendant is not a juristic person to be sued in its name, the
proper order is not to strike out this suit but to strike out the name
of the said 2nd Defendant only as the misjoinder is not a ground to
defeat this Plaintiffs suit.

He refers the court to the cases of **F.U.T. Yola V A.S.U.U. (2013)**
1 NWLR pt. 249.

On issue three, counsel submits that a critical study of the
Plaintiffs suit would reveal that among other issues brought before
this court the Plaintiffs suit before this court is not only seeking to
challenge the official acts of the 1st Defendant rather the suit is
also challenging the official acts of all the Defendants jointly and
or severally including the official acts of the 3rd, 4th and 5th
Defendants who are public servants in the public service of the
Federation and are thereby Federal Governments agents or
officials.

He urges the court to so hold.

On issue four, counsel submits that the subject matter of the cases
cited by the 1st and 2nd Defendants' affidavit in support of their
joint notice of preliminary objection are not on all fours with the
issues formulated for determination by the Plaintiffs in the present
suit hence they are not applicable to the present suit.

On issue five, counsel submits that the law enjoins the court to
examine the affidavit in support of originating summons in order
to determine whether the Plaintiffs have locus standi to institute



the action therein. That the same affidavit in support of *the originating summons have proved that the Plaintiffs individually and or jointly as Nigerian legal practitioners and who are likely to be affected negatively by the actions of the Defendants jointly and or severally.

He urges the court to dismiss the 1st and 2nd Defendants joint preliminary objection.

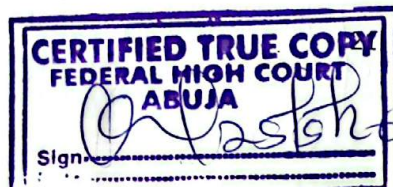
The 1st and 2nd Defendant filed a 36-paragraph counter affidavit and a written address wherein counsel formulates a lone issue for determination to wit:

Whether the Plaintiffs have proved their case to be entitled to the relief sought in the originating summons?

On the lone issue, counsel submits that the law is now firmly settled that in a declaratory action the plaintiff must succeed on the strength of his case and not on the weakness or even on the admission by the Defendant. He refers the court to the case of **Nwa-Anyajike & Anor V INEC & Anor (2023) LPELR – 60317 (SC)** at pages 35-36 paragraphs A-A.

That the Plaintiffs have anchored their case on the Legal Practitioners Act, 2004 to contend that **Rules 10, 11 and 12 of Rules of Professional Conduct for Legal Practitioners Act, 2023** is unlawful and ultra vires in Nigeria relying on some inapplicable authorities.

He submits that **Rule 10 of Rules of Professional Conduct for Legal Practitioners, 2023** makes the stamp and seal of a legal practitioner mandatory in signing and filing of any legal document prepared by a legal practitioner, that the provision has enjoyed judicial endorsement in series of cases even by the apex court in



Anor v Bagudu & Ors (2015) LPELR - 25721 (SC) where the court held that the NBA is entitled to enforce the NBA stamp and seal and by so doing endorsed the legality of **Rule 10 of the RPC 2023.**

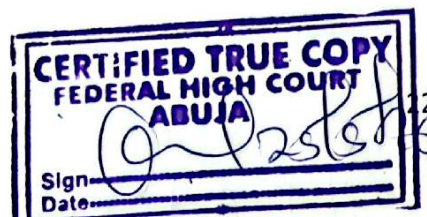
That the same decision was arrived at by the Court of Appeal in **NBA V Kehinde (2017) LPELR-42435 (CA)** at pages 16-19 para. **D-F** where the court held that the NBA is vested with authority to prescribe rules for professional regulation and that such rules do not need to be enacted by amendment of the parent Act provided they are reasonably incidental to professional regulation.

He submits that the Plaintiff relies heavily on s. 8 of the Legal Practitioners Act to argue that the payment of practicing fees is the sole requirement for the right of audience in court. Counsel argues that while s. 8 indeed sets a threshold it does not preclude regulatory mechanisms made pursuant to the Act to ensure professional competence, ethics and public interest compliance.

He submits that the Rules of Professional Conduct including the MCPD Rules fall under "matters affecting the standards of professional conduct of legal practitioners generally" which are expressly delegated to the General Council of the Bar under the enabling Act which by the clear wordings of s. 12 of the Interpretation Act entitles the General Council of the Bar to make the current rule as has already been interpreted by the court.

He submits that the Plaintiffs' case is premature, academic and speculative as there is no evidence that their constitutional right to access courts and practice has been denied or curtailed nor have they demonstrated any actual injury suffered.

He urges the court to dismiss this suit.

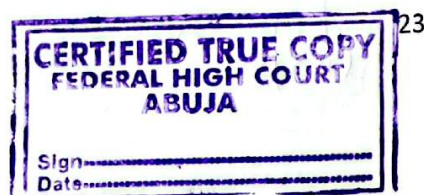


The 4th Defendant filed a 31-paragraph counter affidavit on the 14th January, 2026 with a written address wherein counsel formulated 4 issues for determination to wit:

1. Whether MCPD, the stamp and seal requirements and the Annual Practicing Certificate issued by NBA are in violation of s. 1(1), 6(6)(b), 36(i), 39, 40 and 46 of the Constitution of the Federal Republic of Nigeria and constitute an infringement on the right of the Plaintiffs;
2. Whether Rules 10, 11(1) and 12 of the RPC and the MCPD Rules 2025 are inconsistent with the provisions of the Legal Practitioners Act;
3. Whether a subsidiary legislation can impose conditions restricting the statutory right to practice under s. 2(1) of the LPA;
4. Whether there is any evidence before the court showing that the Chief Registrar of the Supreme Court has unlawfully delegated his authority and powers to the Nigerian Bar Association.

Arguing all issues, counsel submits that the position of the law is settled that subsidiary legislations cannot contradict the parent legislation but in this instant situation a case of a subsidiary legislation contradicting the principal legislation has not been made out.

He submits that the Plaintiffs have failed woefully to exhibit and or show that the General Council of the Bar has not enacted the relevant rules of RPC and the MCPD Rules, 2025 within the statutory prescription. That all the allegations against the 4th Defendant is not only speculative but academic.



Counsel submits that the Plaintiffs must prove that the General Council of the Bar has not enacted the MCPD Rules, 2025 and that **Rules 10, 11 and 12 have been made in the way and manner that are inconsistent with the LPA.**

He urges the court to dismiss the case of the Plaintiffs.

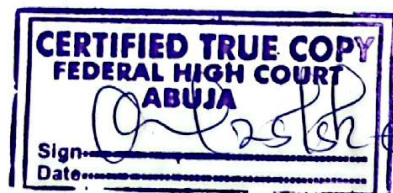
The 5th Defendant filed a 6-paragraph counter affidavit on the 12th January, 2026 and a written address wherein counsel formulates a lone issue for determination to wit:

“whether having regard to the combined effect of the laws and the declarations reliefs, the Plaintiffs are entitled to the reliefs sought from the Honorable Court?”

On the lone issue, counsel submits that the Plaintiff have failed to establish before the court that the NBA compelled all its members to pay for mandatory continue legal education that the NBA in collaboration with other legal educational institutions provides an accredited continuing professional development at no cost via zoom which one can join from the comfort of their home.

Counsel submits that going by the provision of **s. 11(4) and 20 of the LPA**, the bar council has power to make regulation for the Legal Practitioners in Nigeria hence the Rule of professional conduct for Legal Practitioners in Nigeria 2023.

Counsel submits that the relief sought by the Plaintiff is declaratory in nature which required the Plaintiffs to proof their case to convince the court but not on the weakness of the Defendant's defence, that the Plaintiffs have failed to attach the directive of the 1st Defendant for all lawyers to pay for mandatory continuing professional development as required by the law. He



refers the court to the case of **Oyebanji & Ors V Shodara (2020) LPELR – 50093 (CA)**.

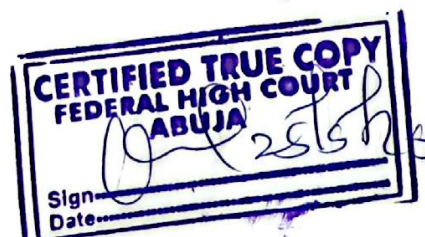
He submits that the Plaintiff's claims as contained in the originating processes are entirely speculative and unsupported by factual evidence and urges the court dismiss the suit.

The Plaintiff filed a written address on the effect of the judgement in suit no **FHC/ABJ/CS/1238/2025 (Victor v Ozioma Nwadike v. NBA & Ors.)** wherein counsel formulated a lone issue for determination to wit:

“whether the judgement delivered in Suit No FHC/ABJ/CS/1238/2025, between Victor Ozioma Nwadike v Nigerian Bar Association & Ors., has completely resolved the issues raised in the present suit or whether the court should still proceed to determine the substantive reliefs sought by the Plaintiffs”?

On the lone issue, counsel submits that the judgement in Nwadike's case is persuasive but not binding on this Honorable Court as it is settled law that decisions of courts of coordinate jurisdiction are not binding but only persuasive. He refers the court to the case of **Onukwe v Nigerian Navy (2024) 7 NWLR (pt. 1938) 501, CA** and submits that while the decision of the court in Victor Nwadike v NBA is entitled to great respect, it does not dispose of the present suit.

He submits that a careful examination of the orders made in the said judgement of Victor Nwadike v NBA reveals that the court's decisions was principally directed at the issue of “audience in court”. That however the present case raises border questions



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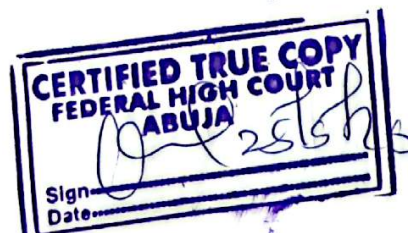
He submits that the Plaintiff's claims as contained in the originating processes are entirely speculative and unsupported by factual evidence and urges the court dismiss the suit.

The Plaintiff filed a written address on the effect of the judgement in suit no **FHC/ABJ/CS/1238/2025 (Victor v Ozioma Nwadike v. NBA & Ors.)** wherein counsel formulated a lone issue for determination to wit:

“whether the judgement delivered in Suit No FHC/ABJ/CS/1238/2025, between Victor Ozioma Nwadike v Nigerian Bar Association & Ors., has completely resolved the issues raised in the present suit or whether the court should still proceed to determine the substantive reliefs sought by the Plaintiffs”?

On the lone issue, counsel submits that the judgement in Nwadike's case is persuasive but not binding on this Honorable Court as it is settled law that decisions of courts of coordinate jurisdiction are not binding but only persuasive. He refers the court to the case of **Onukwe v Nigerian Navy (2024) 7 NWLR (pt. 1938) 501, CA** and submits that while the decision of the court in Victor Nwadike v NBA is entitled to great respect, it does not dispose of the present suit.

He submits that a careful examination of the orders made in the said judgement of Victor Nwadike v NBA reveals that the court's decisions was principally directed at the issue of “audience in court”. That however the present case raises border questions



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beyond mere right of audience, that the Plaintiff in this suit is challenging:

- i. Mandatory NBA seal and stamp requirements;
- ii. Mandatory continuing professional development (MCPD)
- iii. The issuance of purported practice licences by the NBA;
- iv. Restrictions on signing legal documents;
- v. Restrictions on filing legal processes.

He submits that these issues by the Plaintiffs' suit extend beyond the specific scope addressed in the earlier judgement which only bothers on 'lawyers right of audience in any court'.

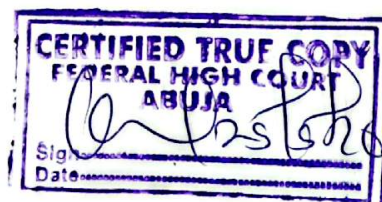
Counsel submits that the judgement in the Victor's case covers only paragraph (a) of the Rule 12(3) of the RPC and Rule 23(2) of the MCPD but does not and has not resolved paragraph (b) and (c) of the said rules.

He submits that while the earlier judgement addressed the first limb relating to court appearance, it did not specifically determine the legality of restrictions relating to;

- i. Signing legal instrument
- ii. Filing court processes;
- iii. Issuing legal opinions;
- iv. Executing legal document.

That the judgement does not dispose of the Plaintiffs' claims regarding the validity of Rule 10; 11; and 12 of the Rules of Professional Conduct.

Counsel further submits that it is clear from item 49 of the Exclusive Legislative list of 1999 Constitution of the Federal Republic of Nigeria empowers only the National Assembly to regulate professional practice and or the legal profession and that



this power have obviously been violated by the Defendants jointly and or severally.

He submits that no provision of the Legal Practitioners Act grants the NBA authority to issue practicing licenses, that the 3rd Defendant (GCB), not being a law-making body cannot enlarge its statutory powers by implication to make Rules; 10, 11 and 12 of the RPC. He refers the court to the case of **AG Lagos state v AG Federation (2014) 9 NWLR (pt. 1412) 217** where the supreme court affirmed that when a statute prescribes the mode of performing an act, any other mode is excluded.

He further submits that it is settled law that a subsidiary legislation cannot contract the enabling statute. That in the circumstances of this case, the question is which, as between the provisions of the LPA, Rules 10, 11 and 12 of the RPC and the NBA-MCPD Rules, 2025, supersedes the other and which between the two must prevail in any conflict? That the answer as has been respectively submitted is the LPA (which the decision of this court in *Victor Ozioma Nwadike v NBA & Ors* has been upheld), this is because it is trite that a subsidiary instrument such as the RPC derives its force legitimacy and validity from its principal or enabling statute and cannot therefore contradict same.

He urges the court to hold that;

- i. The judgement in **Suit no. FHC/ABJ/CS/1238/2025** does not fully determine the present suit;
- ii. The present case remains live and justiciable;
- iii. The court should proceed to determine the substantive issues and grant the reliefs sought by the Plaintiffs while



also relying on the persuasive authority of this court in the case of **Victor Ozioma Nwadike v NBA & Ors (Supra)**.

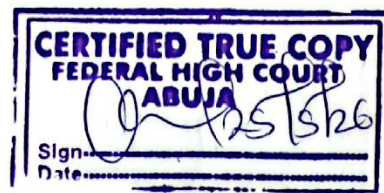
The 1st and 2nd Defendant filed a written address on the 30th march, 2026 wherein learned counsel formulated a lone issue for determination to wit:

“Whether the judgement in suit no: FHC/ABJ/CS/1238/2025 between Victor Ozioma Nwadike v Nigerian Bar Association applies mutatis mutanda to the instant suit”.

On the lone issue, counsel submits that the answer to this question can be gleaned from a scrutiny of the originating processes filed by the Plaintiff in the decided case and the extant suit to determine if the subject matter and the relief sought are of such an identical nature that it makes it necessary for the court to abide the decision in the decided case.

That a careful reading of the relief sought from the two cases will show that although both cases contain few identical reliefs, certain reliefs clearly stand out from the instant suit which makes the instant suit distinct and the decision rendered in the decided case inapplicable and that these issues are:

- a. Whether the general council of the bar did not act ultra vires the Legal Practitioners Act by enacting Rule 10 of the rules of professional conduct for legal practitioners, 2023 which imposes and or mandates use of approved Nigerian Bar Association seal. And stamp.
- b. The extent of the powers or functions of the General Council of the Bar to make rules pertaining to professional misconduct.



c. Interpretation of s. 2,4,8 and 9 of the Legal Practitioners Act concerning valid signing and filing of legal instrument, document and processes.

That whilst the decided case deals with the question of right of audience in court, the present suit deals with the far broader question of the powers of the general council of the bar in relation to issuance of stamp and seal, regulation of professional misconduct and also the right of audience in court.

He urges the court to so hold.

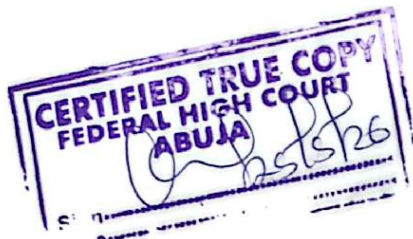
The 3rd and 5th Defendant also argues the above and aligns itself with the position of the 1st and 2nd Defendant.

This is the position of the parties before the court.

The Plaintiffs commenced this action by originating summons seeking interpretation of s. 2, 4, 8 and 9 of the Legal Practitioners Act, 2004 and for the determination of the validity of Rules 10, 11 and 12 of the Rules of professional conduct for legal practitioners.

The gravamen of the Plaintiffs' complaint is that the Defendants have no statutory authority to impose mandatory requirements relating to seal and stamp, continuing professional development, issuance of practice licences, restrictions on signing, filing and execution of legal documents as conditions precedents to legal practice in Nigeria.

The Defendants opposed the action and contended that the measures complained of are lawful regulatory mechanisms designed to maintain standards and discipline within the legal profession.



I have considered the submissions of counsel in the judgement delivered in **Suit no: FHC/ABJ/CS/1238/2025, between Victor Ozioma Nwadike v Nigerian Bar Association & Ors**, it is clear to me that while the earlier decision may have touched some of the questions now before this court, the present suit contains additional and broader issues not conclusively determined therein. The law is elementary that the decision of a court of coordinate jurisdiction does not bind another court of same status though same is entitled to considerable persuasive weight.

I shall therefore accord due respect to the reasoning in the earlier case but proceed to determine the issues raised in this suit on their merit.

In this instant suit, I have carefully considered the Originating Summons, affidavits, exhibits and written addresses of learned counsel.

The first point to be made is that the Legal Practitioners Act is the principal legislation regulating the legal profession in Nigeria. It provides for persons entitled to practice as barristers and solicitors and also makes provisions relating to discipline, practicing fees and allied matters.

It is settled law that where a statute has prescribed the manner of doing a thing any other manner is excluded. I refer you to **C.C.B (Nig) ltd v Attorney General of Anambra State (1992) 8 NWLR (pt. 261) 528**. Accordingly, where the Legal Practitioners Act has made clear provisions on qualification and entitlement to practice, neither an association nor a regulatory body may introduce fresh substantive conditions inconsistent with the Act.



The powers of the Nigerian Bar Association though important and beneficial to the profession are not superior to statute.

The General Council of the Bar is empowered to make rules regulating professional conduct however, such powers are delegated powers and must be exercised within the confines of the enabling statute. Subsidiary legislation cannot amend, enlarge or contradict the Parent Act from which it derives validity. I refer you to the case of **Attorney General of Bendel State v Attorney General of the Federation (1981) 10 SC 1.**


I therefore hold that **Rules 10, 11 and 12 of the Rules of Professional Conduct** are valid only to the extent that they regulate ethics, discipline, decorum and professional standards, where however any provisions of those rules seek to deny an enrolled legal practitioner the right of audience, signing of legal processes, filing of court processes, issuance of legal opinions or execution of legal documents solely for failure to comply with administrative requirements not expressly imposed by the Legal Practitioners Act, such provision is inconsistent with the Act and to the extent void.

The Defendant cannot lawfully create additional substantive qualifications for legal practice beyond those recognized by the Legal Practitioners Act.

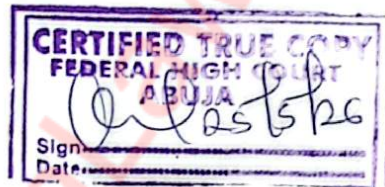
A legal practitioner whose name remains on the roll and who has not been suspended or struck off by due process is entitled to enjoy the incidents of legal practice recognized by law. Any complaint of misconduct must be addressed through the disciplinary machinery established by statute and not through direct exclusion from practice.



Consequently, judgement is entered for the Plaintiffs to the extent that it is hereby declared that the Legal Practitioners Act remains the governing law regulating legal practice in Nigeria, to which all rules and directives must conform and accordingly, no qualified legal practitioner shall be denied any lawful right of practice on the basis of administrative requirements unsupported by statute.



HONOURABLE JUSTICE B.F.M NYAKO
JUDGE
8/5/2026



Ifeanachio
Damarachio
HCO

TheNigeriaLawyer