

**IN THE NIGERIAN BAR ASSOCIATION ELECTION
APPEALS TRIBUNAL (NBA-NEAC)**

PETITION/APPEAL NO: NBA-NEAC /03/22

**MR. PROMISE BESINGINWAYEMI AWOLOWO
ADEMI-AKPETO
(PETITIONER/APPELLANT)**

AND

**THE ELECTORAL COMMITTEE
OF THE NIGERIAN BAR ASSOCIATION
(RESPONDENT)**

DECISION

**IN THE NIGERIAN BAR ASSOCIATION NATIONAL ELECTIONS
APPEAL COMMITTEE (NBA-NEAC)**

PETITION/APPEAL NO: NBA-NEAC /03/22

DECISION

1	PARTIES:	<p>MR. PROMISE BESINGINWAYEMI AWOLOWO ADEMI-AKPETO ----- APPELLANT</p> <p style="text-align: center;">AND</p> <p>ELETORAL COMMITTEE OF THE NIGERIAN BAR ASSOCIATION (ECNBA) ----- RESPONDENT</p>
2	<p><u>PROCEDURAL HISTORY</u></p> <ul style="list-style-type: none"> -Date of receipt of Appeal by NEAC – 24/05/2022 - Date sent to ECNBA – 25/05/2022 - Date of ECNBA’S Response – 03/06/2022 - Date of Petitioner’s Reply –04 /06/2022 - Date and manner of hearing – 5th June, 2022 (Virtual& Documentary) 	
3	<p><u>DOCUMENTS FILED BY PARTIES:</u></p> <p><u>For Petitioner:</u></p> <ul style="list-style-type: none"> i. Letter of Appeal dated 23/05/2022 ii. Letter of undated Reply received on 4/06/2022 <p><u>For ECNBA</u></p> <ul style="list-style-type: none"> i. Letter of Petitioner’s disqualification dated 20/05/2022 ii. Response to the letter of Appeal by Petitioner dated 02/06/2022 	
4	<p style="text-align: center;">APPEAL SUMMARY</p> <p>The Petitioner applied to contest for the position of the 3rd Vice President of the NBA in the 2022 election of National Officers vide a submitted</p>	

	<p>nomination form and attached documents dated 13th April, 2022. Upon scrutiny of the documents by the ECNBA, the Committee found that one Mr. Endurance Osi Okojie (the seconder) of the nomination was called to bar on 23rd May, 2008.</p> <p>It was the view of the ECNBA, that haven regard to extant NBA Constitutional provisions on election, particularly the mode of reckoning post call years Mr. Endurance Osi Okojie was less than 15 years post call as required, to qualify him to second the nomination of the Petitioner. Petitioner was accordingly disqualified by the ECNBA. The Petitioner was dissatisfied with the disqualification and filed this Appeal.</p>	
5.	<p>Reasons for Disqualification(ECNBA’s Position)</p>	<p>The reason for the disqualification of the Petitioner by the ECNBA was that in view of the combined provisions of Part IV paragraph 10 of the Second Schedule and Sections 9(3)(d)(i), and 9(3)(e) of the NBA Constitution, the nomination of the Petitioner by Mr. Endurance Osi Okojie was incompetent since Mr. Endurance Osi Okojie did not meet the constitutional requirement to qualify him do so.</p>
6.	<p>Grounds of Appeal (Petitioner’s Position)</p>	<p>The gravamen of the Petitioner’s appeal was that: The ECNBA was wrong to have relied on the provisions of the NBA Constitution 2015 (as amended) instead of the provisions of the Legal Practitioners Act of 2004 in determining the post call years of his seconder (Mr. Endurance Osi Okojie), and therefore acted ultra vires. It was his view that by the provisions of the LPA 2004 and the decision of the Federal High Court in Suit No. FHC/ABJ/CS/925/2018: OLUMIDE BABALOLA VS. THE CHIEF REGISTRAR OF THE SUPREME COURT OF NIGERIA, Mr. Endurance Osi Okojie (the seconder) had attained 15 years post call qualification at the time he seconded his nomination.</p>
7.	<p>Issues for Determinations</p>	<p>1. Whether the ECNBA was right to have disqualified the petition by relying on Section</p>

		<p>9(3) of the NBA Constitution, 2015 (as amended).</p> <p>2. Whether the provisions of S 9(3) of the NBA Constitution are inconsistent with the provisions of S.8 (2) of the Legal Practitioners Act 2004 on the issue of computation of years of call to Bar.</p>
<p>8.</p>	<p>Findings by the NBA - NEAC</p>	<p>1. That Mr. Endurance Osi Okojie who was the seconder of the Petitioner’s nomination was called to Bar on 23/05/2008.</p> <p>2. That the provision of Section 8(2) of the LPA 2004 and the judgement in Suit No. FHC/ABJ/CS/925/2018: Olumide Babalola VS. The Chief Registrar of the Supreme Court, relied on by the Petitioner, do not apply to the present case.</p> <p>3. Specifically, the above cited case was decided solely in the context of payment of Bar Practicing fees by lawyers to enable them have audience in court in Nigeria and was not a generic consideration of what constitutes “post call years” for all purposes, including qualifications for NBA elections as in this case.</p> <p>4. That the NBA Constitution provides in clear terms, what constitutes “post call years” for the purpose of the NBA elections. We refer to section 9(3)(e) of the NBA constitution which provides that: “<u>In reckoning post call years, a person shall be regarded as having attained a post call year on each succeeding anniversary of his/her call to the Bar and <u>not sooner</u></u>” (emphasis ours).</p> <p>5. That there is no conflict as argued by</p>

		<p>Petitioner, between the provisions of Sections of 8(2) of the Legal Practitioners Act 2004 and the provisions of Section 9(3)(e) of the NBA Constitution on computation of post call years at the Bar.</p> <p>6. Section 8 of the Legal Practitioners Act does not have anything to do with computation of post call years at the Bar.</p>
9.	DECISION	
	<p>That the Petitioner's Seconder (Mr. Endurance Osi Okojie), was called to the Bar on 23/05/2008, and therefore, had not attained the mandatory 15 post call years at the time he seconded the nomination of the Petitioner. The nomination was in flagrant violation of S. 9(3)(e) of the NBA Constitution, which was the basis for the Petitioner's disqualification by ECNBA.</p> <p>The Petitioner's Appeal lacks merit and is hereby dismissed.</p>	
10.	<u>DIRECTIVE(S)</u> None	

DATED THIS 6TH DAY OF JUNE, 2022

SIGNED:




OLUFUNMILAYO ROBERTS, C.Arb. AUGUSTINE AJINEH, ESQ
(CHAIRPERSON) (SECRETARY)