

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

**PETITION/APPEAL NO: NBA-NEAC/07/22**

**FELIX CHUKWUMA ASHIMOLE  
(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/07/22**

**DECISION**

<b>1</b>	<b>PARTIES</b>	<b>FELIX CHUKWUMA ASHIMOLE</b> ----- <b>PETITIONER</b>  <b>ELECTORAL COMMITTEE OF THE NIGERIAN BAR ASSOCIATION (ECNBA)</b> ----- <b>RESPONDENT</b>
<b>2</b>	<b><u>PROCEDURAL HISTORY</u></b>	<ul style="list-style-type: none"><li>- Date of Petition 20<sup>th</sup> May, 2022</li><li>-Date of receipt of Appeal – 29<sup>th</sup> May, 2022</li><li>- Date sent to ECNBA – 29<sup>th</sup> May, 2022</li><li>- Date of ECNBA’S Response – 3<sup>rd</sup> June, 2022</li><li>- Date of Petitioner’s Reply – 5<sup>th</sup> June, 2022</li><li>- Date and Manner of Hearing – 5<sup>th</sup> June, 2022 (Virtual &amp; Documentary)</li></ul>
<b>3</b>	<b><u>DOCUMENTS FILED BY PARTIES</u></b>	<u>For the Petitioner:</u> <ul style="list-style-type: none"><li>i. Petition sent on 29<sup>th</sup> May, 2022, as an email.</li><li>ii. Reply by the Petitioner, sent on 5<sup>th</sup> June, 2022, as an email.</li></ul> <u>For ECNBA</u> <ul style="list-style-type: none"><li>i. Letter of disqualification dated 20<sup>th</sup> May, 2022</li><li>ii. Response from the ECNBA dated 2<sup>nd</sup> June, 2022</li></ul>
<b>4</b>	<b><u>APPEAL SUMMARY</u></b>	The Appellant, an aspirant to the office of the Publicity Secretary of the Nigerian bar Association in the 2022 National Elections of the NBA was disqualified by the Electoral Committee of the Nigerian Bar Association

	<p>(ECNBA) <i>vide</i> a Notice of Disqualification dated 20<sup>th</sup> May, 2022 on the ground that the Appellant's Nominator, Mr. Mohammed Iyorembor Tsav, did not attach his Branch Dues receipt, for 2021.</p> <p>Dissatisfied with the decision of the ECNBA, the Appellant approached this Committee with his Appeal, which was sent as an email to this Committee on 29<sup>th</sup> May, 2022.</p>
<p><b>i. Reasons for Disqualification (ECNBA's Position)</b></p>	<p>That the Appellant's Nominator, Mr. Mohammed Iyorembor Tsav's evidence of payment of Branch Dues for 2021, was not attached alongside the documents submitted by the Petitioner to the ECNBA.</p>
<p><b>ii. Ground(s) of Appeal (Petitioner's Position)</b></p>	<p>The Petitioner's Appeal is predicated on the ground that the non submission of his Nominator's receipt of payment of Branch dues should not and cannot be a condition for his disqualification.</p>
<p><b>iii. Sole Issue for Determination</b></p>	<p>Whether attachment of evidence of payment of Branch dues, is a prerequisite for a Nominator to be eligible to nominate a candidate for an Election under the extant Constitution of the Nigerian Bar Association?</p>
<p><b>iv. Findings by the NBA – NEAC</b></p>	<ol style="list-style-type: none"> <li>1. Based on the documentary evidence before us, the Petitioner did not attach evidence of payment of Branch Dues, for 2021, by his Nominator, Mr. Mohammed Iyorembor Tsav, to the Petitioner's nomination form.</li> <li>2. In line with the provision of Part IV Paragraph 10 of the Second Schedule to the NBA Constitution, and Section 4(c) of the same Constitution, payment of dues including Branch Dues is a condition precedent and a prerequisite for a valid nomination for election, and the only way to show proof of payment by a nominator of a candidate, is to attach a copy of it to a</li> </ol>

		<p>candidate's nomination form. See also Paragraph 5.5 of the extant Elections Guidelines.</p> <p>3. The Petitioner's attempt to make a heavy weather out of a correspondence exchanged between him and the ECNBA, wherein he was mistakenly referred to as a contestant for the office of Assistant Publicity Secretary instead of the position of Publicity Secretary he applied for, was a non issue, as in our view, this was a minor error, which did not affect the decision of the ECNBA to disqualify him.</p> <p>4. We also find as a fact, that evidence or proof of payment of Branch Dues, for three (3) consecutive years, is a prerequisite for all aspirants or candidates, their nominators and seconders, irrespective of the position that a candidate is vying for in the elections in issue. Therefore, the minor clerical error in the notice of disqualification issued by the ECNBA to the Appellant does not go to the root of the Appellant's complaint.</p>
5	<b>DECISION</b>	
	<p>It is the decision of the Committee that participation in NBA's Elections, whether as a Candidate or Nominator, is a privilege conferred by the NBA Constitution, which is contingent on the payment of annual and branch dues as the case may be. See Section 4(c) of the Constitution of the NBA. Since there was no evidence before this Committee by the Petitioner of attachment of payment receipt by Mr. Mohammed Iyorembor Tsav of the 2021 Branch Dues, to the Appellant's nomination form, which is a prerequisite for a valid nomination, the decision of the ECNBA to disqualify him was in order and validly made.</p>	

	Therefore, this Appeal lacks merit and ought to be dismissed and it is accordingly dismissed.
<b>6</b>	<b>DIRECTIVE(S)</b>  <b>None.</b>

**DATED THIS 11<sup>TH</sup> DAY OF JUNE, 2022**

**SIGNED:**



---

**OLUFUNMILAYO ROBERTS, C.Arb.**  
**(CHAIRPERSON)**

---

**AUGUSTINE AJINEH, ESQ**  
**(SECRETARY)**