CHAPTER 345

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES ACT

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SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

CHAPTER 345

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES ACT

An Act to establish the Nigerian Institute of Advanced Legal Studies to be responsible, amongst other things, for the conduct of research into any branch of law with a view to applying the result in the interest of Nigeria, providing information, supervision, guidance and advice to post-graduate students and other researchers in the field of law and law related subjects.

1984 No. 18.

Commencement: ***[27th June, 1984]***

1. Establishment of the Nigerian Institute of Advanced Legal Studies.

(1) There is hereby established an institute to be known as the Nigerian Institute of Advanced Legal Studies (in this Act referred to as "the Institute") which shall have the functions assigned to it by this Act.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Membership of the Council, etc.

(1) There shall be established for the management of the affairs of the Institute a body to be known as the Nigerian Institute of Advanced Legal Studies Council (in this Act referred to as "the Council").

(2) The Council shall consist of the following members, that is —

(a) a Chairman to be appointed by the President;
(b) a representative of the Federal Ministry of Justice;
(c) a representative of the Federal Ministry charged with responsibility for higher education;
(d) six deans or heads of faculties, or other formations of Nigerian universities offering degree courses in law at not less than graduate level, to be appointed by the President;
(e) the Director-General of the Nigerian Law School;
(f) one member of the Judiciary nominated by the Chief Justice of Nigeria;
(g) the President of the Nigerian Bar Association;

(h) five persons of whom one shall be a woman to be appointed by the President; and

(i) the Director-General of the Institute.

(3) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters therein mentioned. Schedule.

3. Functions of the Council.

(1) The Council shall be responsible for the determination of the overall policy of the Institute and in particular for the financial and operational programmes of the Institute and for ensuring implementation of such policies and programmes.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the duty of the Council to —

(a) approve the research and training programmes of the Institute;

(b) determine the fees to be paid for research, consulting, training and any other services that may be offered by the Institute; and

(c) promote or undertake any other activity that in the opinion of the Council is calculated to help achieve the purposes of the Institute.

4. Functions of the Institute.

The functions of the Institute shall be—

(a) to provide information, supervision, guidance and advice to postgraduate students and other researchers who are working for post-graduate degree of any University in the field of law and related subjects;

(b) to conduct research into any branch of the law or related subjects with a view to the application of the results thereof in the interest of Nigeria;

(c) to conduct courses of instruction in legislative drafting leading to the award of post-graduate diploma or a post-graduate degree; 1995 No. 6.

(d) from to time to time to organise, host, arrange and conduct national or international seminars, symposia, conferences, workshops, lectures on any branch of the law or related subject;

(e) to prepare and publish books, records, reports, journals as may seem desirable for the dissemination of research findings, seminars, symposia, conferences, findings of workshops and lectures as aforesaid;

(f) to co-operate with Nigerian universities, the Nigerian Law School, the Nigerian Law Reform Commission and such other bodies (whether in Nigeria or elsewhere) engaged in any major field relating to law reform, development or research in the mobilisation of Nigeria's research potentials for the task of national development and dissemination of research findings for the use of policy makers at all levels.

(g) to carry out other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to this Act.

5. Director-General of the Institute.

(1) There shall be a Director-General of the Institute who shall be appointed by the President.

(2) Subject to the general control of the Council, the Director-General shall be the chief executive of the Institute and shall be responsible for the execution of the policy of the Institute and the day-to-day running of the affairs of the Institute.

6. Principal officers of the Institute.

The other principal officers of the Institute shall be—

(a) the Librarian who shall be responsible to the Director-General for the administration of the Institute's library;

(b) the Secretary who shall be responsible to the Director-General for the day-to-day administrative work of the Institute and who shall also be the Secretary to the Council and, where no other person is so designated, act as Secretary to any of its committees;

(c) the Bursar who shall be responsible to the Director-General for the day-to-day administration and control of the financial affairs of the Institute.

7. Appointment of other staff.

(1) The Council may appoint such fit and proper persons on permanent, temporary or contract basis as employees of the Institute as it may consider necessary.

(2) Without prejudice to the generality of subsection (1) of this section, the Council may appoint persons as employees of the Institute, either by way of transfer or secondment from any of the public services in the Federation or otherwise howsoever, as it considers necessary.

8. Conditions of service and remuneration of the Director-General and other staff of the Institute.

(1) The Director-General shall hold office for four years in the first instance renewable for a period of four years at a time thereafter, on such terms as to the emoluments of his office, and otherwise as may be specified in his letter of appointment. 1995 No. 6.

(2) The remuneration, tenure and conditions of service of employees of the Institute (including the Director-General) shall be as those applicable to staff in Nigerian Universities or otherwise as may be determined, from time to time, by the Federal Government. 1995 No. 6.

9. Pensions.

(1) It is hereby declared that service in the Institute shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Institute shall, in respect of their service in the Institute, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office. Cap 391.

(2) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of the Institute shall be sixty five years. 1995 No. 6. Cap 391.

(3) A law or rule requiring a person to retire from the public service after serving for thirty-five years shall not apply to an academic staff of the Institute. 1995 No. 6.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Federal Government (not being power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Institute and not by any other person or authority.

10. Special provisions relating to pension of professors employed at the Institute.

A person who retires as a professor having served – 1995 No. 6.

(a) a minimum period of fifteen years as a professor in the Institute or continuously in the service of the Institute up to the retiring age; and

(b) who during the period of service was absent from the Institute only on approved national or the Institute's assignment,

shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

11. Power to accept gifts.

(1) Subject to subsection (2) of this section, the Council may accept gifts of land, money, books or other property upon such terms and conditions, if any, as may be specified by the person making the gift.

(2) The Council shall not accept any gift if the conditions attached thereto by the person making the gift are inconsistent with the functions of the Council under this Act.

12. Residences, offices and premises.

(1) For the purposes of providing residential accommodation for its staff, offices and premises as may be considered necessary for the performance of its functions, the Council may—

(a) purchase or take on lease any interest in land; and

(b) build, furnish, equip and maintain residential quarters, offices and premises.

(2) The Council may, with the approval of the Attorney-General, sell or lease any residential quarters, land, offices or premises held by it and no longer required for the performance of its functions.

13. Financial provisions.

(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenses incurred by the Council.

(2) There shall be paid and credited to the fund established under subsection (1) of this section—

(a) such sums as may, from time to time, be granted to the Council by the Federal Government;

(b) all monies raised for the purposes of the Institute by way of gifts, grants-in-aid, testamentary dispositions and sales of publications;

(c) all subscriptions, fees and charges for services rendered by the Institute and all other sums that may accrue to the Institute from any source.

14. Borrowing power.

(1) The Institute may, with the consent of the Attorney-General or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft from any source any moneys required by the Institute to meet its obligations and to discharge its functions under this Act so however that no such consent or authority shall be required where the sum or the aggregate of the sums involved at any time does not exceed such amount as is for the time being specified in relation to the Institute by the Federal Government.

(2) The Institute may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority.

(3) The Council may invest any surplus funds of the Institute in such securities as may be permitted by law.

15. Annual estimates, accounts and audit.

(1) The Council shall cause to be prepared not later than five months before the end of each year an estimate of the expenditure and income of the Institute during the next succeeding financial year and when prepared they shall be submitted to the Attorney-General.

(2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Institute shall be audited as soon as practicable after the end of each year by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

16. Procedure in respect of suit against the Institute, etc.

(1) No suit against the Institute, a member of the Council or any employee of the Institute for any act done in pursuance or execution of any law or of any public duties or in respect of any alleged neglect or default in the execution of such law duties shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Institute before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his agent, and the notice shall clearly and explicity state—

(a) the cause of action;
(b) the particulars of the claim;
(c) the name and place of abode of the intending plaintiff; and
(d) the relief which he claims.

17. Service of documents.

The notice referred to in subsection (2) of section 16 of this Act and any summons, notice or other document required or authorised to be served upon the Institute under the provisions of this Act or any other law may be served by delivering the same to the Chairman or the Director-General, or by sending it by registered post addressed to the Director-General at the principal office of the Institute.

18. Restriction on execution against the property of the Institute.

In any action or suit against the Institute no execution or attachment or process in the nature thereof shall be issued against the Institute but any sums of money which by judgment of the court be awarded against the Institute shall, subject to any directions given by the Institute, be paid from the general reserve fund of the Institute.

19. Indemnity of members of the Council and employees of the Institute.

Every member of the Council, agent, auditor or employee for the time being of the Institute shall be indemnified out of the assets of the Institute against any liability incurred by him in defending any proceeding whether civil or criminal, if any such proceeding is brought against him in his capacity as such member, agent, auditor or employee as aforesaid.

20. Annual report.

The Council shall, not later than 30th of September in each year, submit to the Attorney-General a report on the activities of the Institute and its administration during the immediately preceding year and shall include in such report the audited accounts of the Institute.

21. Staff regulations.

(1) The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing, such regulations may provide for—

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and

(b) appeals by such employees against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Institute.

(2) Staff regulations made under subsection (1) of this section, shall not have effect until approved by the Attorney-General, and when so approved they need not be published in the Federal *Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

22. Transitional provisions.

All appointments of officers made by the Institute previous to the date of commencement of this Act shall be deemed to have been validly made and the existing rights of such officers, if any, to pensions and gratuities shall by virtue of this section, be preserved.

23. Interpretation.

In this Act, unless the context otherwise requires—

"Attorney-General" means the Attorney-General of the Federation;

"Council" means the Council of the Institute established pursuant to section 2 of this Act;

"Chairman" means the Chairman of the Council;

"Director-General" means the Director-General of the Institute appointed pursuant to section 5 of this Act;

"Institute" means the Nigerian Institute of Advanced Legal Studies established by section 1 of this Act;

"member" includes the Chairman of the Council.

24. Short title.

This Act may be cited as the Nigerian Institute of Advanced Legal Studies Act.

SCHEDULE *Section 2(3)*

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1. (1) The Chairman shall hold office for a term of three years and subject to the provisions of sub-paragraph (2) of this paragraph shall be eligible for re-appointment.

(2) The office of the Chairman shall become vacant—

(a) if he resigns his office by notice in writing under his hand addressed to the President; or

(b) if the President, upon the recommendation of the Council terminates his appointment.

2. There shall be paid to the members of the Council allowances in respect of travelling and other reasonable expenses at such rates as may, from time to time, be fixed by the President.

Committees

3. (1) The Council may appoint one or more committees to advise it in the exercise and performance of its functions.

(2) Every such committee shall consist of—

(a) a Chairman who shall be appointed by the Council from among the members of the Council;

(b) not more than five other members including co-opted members.

(3) Co-opted members shall enjoy all the rights and privileges of members except that they shall have no right to vote.

Proceedings of the Council.

4. (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than two times in a year.

(2) The Chairman may at any time, and shall at the request in writing of not less than four members of the Council, summon a meeting; and if the Chairman shall fail to do so within two months of such a request, the Attorney-General may summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

5. (1) Every question put before the Council at a meeting shall, subject to sub-paragraph (3) of this paragraph, be decided by a majority of the votes of the members present and voting.

(2) The quorum for the meetings of the Council shall be six.

(3) The Chairman shall at any meeting have a vote and, in the case of an equality of votes, may exercise a casting vote.

6. The Chairman shall preside at all meetings of the Council, but if he is absent from any meeting of the Council for any reason whatsoever, the members present shall elect one of their number to preside at that meeting.

7. The validity of any proceedings of the Council or of any of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or of any such Committee; or

(b) by any defect in the appointment of any member.

8. Subject to the provisions of this Act and of the Interpretation Act, the Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes. Cap 190.

Creation of Academic Posts

9. The Council may create such academic posts as it may deem necessary for the efficient performance of the functions of the Institute.

Appointment of Principal Officers of the Institute

10. (1) When a vacancy occurs in the office of the Librarian, or of the Secretary or the Bursar, a selection board shall be constituted as follows—

(a) the Chairman of the Council who shall be the Chairman of the selection board;

(b) the Director-General;

(c) at least five other members of the Council of whom not less than three shall be Deans of Law or where the Director-General of the Nigerian Law School is present, two Deans; and

(d) at least two other persons, not being members of the Council, who have special knowledge or experience in the relevant field:

Provided that no person as specified in sub-paragraph (1) of this paragraph who is himself a candidate shall serve on the selection board.

(2) A quorum of the selection board shall be the Chairman and at least three others, one of whom shall be a person who is a member under sub-paragraph (1)(d) of this paragraph.

(3) In recommending appointments the selection board shall adhere to such rules and regulations as may be laid down in that behalf by the Council.

(4) The Council may, after considering the recommendations of the selection board, make appointments accordingly.

Appointment of other Officers of the Institute

11. The Council may make rules and regulations governing appointments and promotions to posts established in the Institute other than that of the Director-General and those mentioned in paragraph 10 of this Schedule and may delegate its powers of appointments of certain grades of officers to the Director-General or to committees under the chairmanship of the Director-General; and in the case of academic posts such rules and regulations shall provide that the standards of learning and scholarship in respect of candidates to be appointed are comparative to the standards required for similar appointments in Nigerian universities.

Miscellaneous

12 (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

(2) Any member of the Council or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council or the committee and shall not vote on any question relating to such contract or arrangement.

13. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of the Director-General or any other person authorised in that behalf by the Council.

(2) Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Council shall be received in evidence and, unless the contrary is provided, be presumed without further proof to have been so signed and sealed.