

## EDITORIAL COMMENT

### Composition of the Council of Legal Education.

The Attorney-General of the Federation of Nigeria recently reconstituted and inaugurated the Council of Legal Education (hereinafter referred to as the Council) with persons selected in compliance with Section 2 of the Legal Education (Consolidation, etc.) Act (hereinafter referred to as the Act). The Act re-enacts the Legal Education Act 1962 as amended up to date and introduces new provisions relative to the composition of the Council of Legal Education and the appointment of the Director-General of the Nigerian Law School. The Council has responsibility for the legal education of persons seeking to become members of the legal profession in Nigeria.

Section 2 of the Act provides as follows:

2. (1) *The Council shall consist of-*
  - (a) *a chairman to be appointed by the National Council of Ministers on the recommendation of the Attorney-General of the Federation;*
  - (b) *Attorneys-General of the States or, where there are no Attorneys-General, the Solicitors-General of the States;*
  - (c) *a representative of the Federal Ministry of Justice to be appointed by the Attorney-General of the Federation;*
  - (d) *the head of the faculty of law of any recognised university in Nigeria whose course of legal studies is approved by the Council as sufficient qualification for admission to the Nigerian Law School;*
  - (e) *the president of the Nigerian Bar Association;*
  - (f) *fifteen persons entitled to practise as legal practitioners in Nigeria of not less than ten years standing and selected or elected by the Nigerian Bar Association;*
  - (g) *the Director-General of the Nigerian Law School; and*
  - (h) *two persons who must be authors of published learned works in the field of law, to be appointed by the Attorney-General of the Federation.*

The Attorney-General of the Federation purporting to act under Section 2 (1) (d) of the Act selected the head of one faculty of law to represent all law faculties on the Council. Section 2 (1) (d) of the Act does not give the Attorney-General the power to appoint the head of a law faculty. The law is silent on how the head of a law faculty is to be appointed, unlike Section 2 (1) (h) which specifically provides for “*two persons who must be authors of published learned works in the field of law, to be appointed by the Attorney-General of the Federation.*” Section 2 (1) (f) on the other hands provides for “*fifteen persons entitled to practice as legal practitioners in Nigeria of not less than ten years standing and selected or elected by the Nigerian Bar Association*” Since the law is silent on how the representative of the law faculties is to be appointed it is recommended that pending the amendment of the law as suggested below, **the Nigerian Association of Law Teachers (NALT) should be responsible for electing or selecting the head of the faculty of law just like the representatives of the Nigerian Bar Association are selected or elected by the Nigerian Bar Association.**

Hitherto, all heads of all Council approved law faculties were members of the Council. It may be argued that with sixty-nine approved faculties of law as at January 2019, and the likelihood that the number will increase, the Council will be unwieldy, especially as there are other stakeholders represented on the Council, including thirty-six Attorneys-General of States and the President of Nigerian Bar Association with fifteen other members of the Nigerian Bar Association. However, selecting one head of a law faculty to represent sixty-nine or more law faculties in a Council that regulates legal education and the operation of law faculties in all Nigerian universities is retrogressive. Now that it has become necessary to depart from the

previous law and practice of having all heads of law faculties on the Council, it is suggested that **provision be made for the President of Nigerian Association of Law Teachers and not less than nine other members of the Association (preferably heads of law faculties) elected or selected by the Nigerian Association of Law Teachers to be members of the Council.** In our suggested arrangement, **the Nigerian Bar Association should have not more than ten members on the Council** and there should be not more than **eighteen Attorneys-General of States to be appointed by the Attorney-General of Nigeria from among the Attorneys-General the States in rotation.**

We call on the Attorney-General of the Federation to reflect on the need for balanced participation of critical stakeholders in legal education in the work of the Council; and make the necessary proposal for amendment of the Legal Education (Consolidation, etc.) Acts as suggested herein to redress the anomaly created by the Act.

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This issue of the journal contains eight articles and one case review. The articles are on The Practice of *In-Vitro* Fertilization in Developing Countries: Medico-Legal Issues Arising; An Overview of Islamic Law Position on In Vitro Fertilization; Fiscal Federalism Within the Context of Personal Income Tax in Nigeria; and Privileged Communication and Fair Hearing Under The 2011 Evidence Act: Are They Still at Logger Head? Others are Socio-Economic and Psychological Implication of Personal Injury on Family Life; The Role of The Judiciary in Protection of Environment in Nigeria; Power, Leadership, Responsibility with Accountability: Essentials for Nigeria's National Development; and Poverty Alleviation: Threshold to the Enjoyment of Right to Adequate Standard of Living. The case review is a rejoinder to an earlier review (not in CRULJ) of the decision in *Ogieva v. Adams*, Suit No: B/3/08/2009, a decision of the High Court of Edo State, in Benin City.

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