

NEWSLETTER

October 2022 Edition

NIGERIAN BAR ASSOCIATION

OWERRI BRANCH

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UGOCHUKWU D. ALINNOR, ACARB.
Chairman NBA Owerri Branch

From the Chairman's Desk

The journey to Break New Grounds for our Branch commenced at the end of June this year. Since coming on board, we have been working to realise the objects embedded in this mantra. The Executive Committee which I currently lead has thought out and also planned out an assemblage of programmes and projects to deliver within the tenure that we are to serve. We plan to carry you along at every stage of this journey, keeping you informed and executing these plans and projects together. It is for this reason that I had no hesitation in approving the making of this periodic Newsletter for our Branch. One purpose this will serve is that it will bring to the fore all that we are doing to break new grounds for our Branch at the same time, affording our members interesting contents to read. I have no doubt also that the pioneering editorial team led by Daniel Odiba, will continue to improve on the contents of this Newsletter. We will also continue to give them all the support that they will need to deliver on this project.

Editor's Note



Daniel O. Odiba, ACARB.
Editor-in-Chief

When a thought that has been enduring in mind becomes real, it is truly an interesting and exciting experience. This new assignment of producing a Newsletter for our Branch is a cherished work which we would fulfill to the best of our abilities as a team. For this, I would like to thank the 'New Grounds' Chairman of our Branch, **Ugochukwu D. Alinnor, ACARB.**, for the belief and support he has given us in this project.

I want to assure all our readers that our consistent efforts will be aimed towards increasing the visibility, impact, content and the overall quality of our Newsletter. We very much look forward to strengthening the reputation of our publications.

In the spirit of continuous improvement, we welcome any constructive input towards having the best for our Branch through the contents of this Newsletter.

On behalf of the Editorial Team of our Newsletter, I would like to wish all authors and readers a wonderful reading moment.

I thank you.

BRANCH EXECUTIVE COMMITTEE



UGOCHUKWU D. ALINNOR, ACARB.
Chairman



DR. CHIOMA EMUKAH
Vice Chairman



M. CHUKWURAH ONUORAH
Secretary



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Co-opted



ONYEKACHI OKORO
Co-opted



EKEZIE ONUMAJULU
Co-opted



STELLA CHIDOZIE, ACARB.
Co-opted

EDITORIAL TEAM

Daniel Odiba, Acarb. - **Editor In Chief**
Stella Chidozie, Acarb. - **Content Editor**

Prince Chigbo Okoli - **Associate Editor**
Akindayo Eyitayo - **Section Editor**

IMO STATE JUDICIARY:

POSTING OF JUDICIAL OFFICERS - HIGH COURT

Below are the posting of Judicial Officers/Re-numbering of Courts of the Imo State Judiciary made under the hand and seal of the Honourable, the Chief Judge of Imo State, Hon. Justice T. E. Chukwuemeka Chikeka, FCARB., M.DRI. The postings took effect from the 21st day of July, 2022.

OWERRI JUDICIAL DIVISION:

Court 1: Hon. Justice T. E. Chukwuemeka-Chikeka
(CHIEF JUDGE)

Court 2: Hon. Justice E. O. Agada

Court 3: Hon. Justice T. N. Nzeukwu

Court 4: Hon. Justice L. C. Azuama

Court 5: Hon. Justice K. A. Ojiako

Court 6: Hon. Justice B. C. Iheka

Court 7: Hon. Justice S. I. Opara

Court 8: Hon. Justice P. U. Nnodum

Court 9: Hon. Justice I. M. Njaka

Court 10: Hon. Justice I. G. Chukwunyere

Court 11: Hon. Justice V. I. Onyeka

Court 12: Hon. Justice E. N. Eke

Court 13: Hon. Justice V. O. B. Ekezie

Court 14: Hon. Justice K. A. Leweanya

Court 15: Hon. Justice C. N. Okereke

Court 16: Hon. Justice A. C. Onyeukwu

Court 17: Hon. Justice I. C. Ibeawuchi

■ MBAITOLI/IKEDURU JUDICIAL DIVISION:

1. Hon. Justice I. O. Agugua - High Court, Nwaorieubi.
2. Hon. Justice L. C. Alinnor - High Court, Iho.

■ ABOH MBAISE JUDICIAL DIVISION:

1. Hon. Justice C. A. Ononeze-Madu - High Court, Aboh Mbaise
2. Hon. Justice I. M. Njaka - High Court, Ahiazu Mbaise.

■ MBANO/ETITI JUDICIAL DIVISION:

1. Hon. Justice V. C. Isiguzo - High Court, Etiti
2. Hon. Justice O. D. Okoroji - High Court, Mbano.

■ OGUTA JUDICIAL DIVISION:

1. Hon. Justice V. I. Onyeka - High Court, Umuokanne.
2. Hon. Justice O. E. Nwachukwu - High Court, Oguta.

■ ORLU JUDICIAL DIVISION:

1. Hon. Justice M. E. Nwagboso - High Court, Orlu
2. Hon. Justice A. N. Eluwa - High Court Orlu & High Court Urualla.
3. Hon. Justice Innocent Ibeawuchi - High Court, Atta Nwambiri.

■ OKIGWE JUDICIAL DIVISION:

1. Hon. Justice E. C. Ibeawuchi - High Court, Okigwe.

■ NKWERRE JUDICIAL DIVISION

1. Hon. Justice E. N. Eke - High Court, Nkwerre.

■ ORU JUDICIAL DIVISION:

1. Hon. Justice C. N. Okereke - High Court, Omuma
2. Hon. Justice M. B. Onyekachi - High Court, Mgbidi.



How to Apply to be a Notary Public in Nigeria



A notary public is appointed by the Chief Justice of Nigeria.

A notary's main functions are to administer oaths and affirmations, take affidavits and statutory declarations, witness and authenticate the execution of certain classes of documents.

THESE ARE THE REQUIREMENTS FOR NOTARY PUBLIC AS LISTED BY THE SUPREME COURT OF NIGERIA:

- (I). 3 copies of formal Application letter printed on the letter headed paper should be addressed to the Chief Registrar of the Supreme Court of Nigeria
- (ii). Curriculum vitae (CV) should be duly signed. 23 copies for Lagos state and 15 copies for other states.
- (iii). Photocopies of practicing fees receipt for 7 years preceding the date of application. Each payment must have been made as at when due on or before 31st of March of each year.
- (iv). 3 photocopies of Call to Bar Certificate.
- (v). 3 photocopies of Applicant's Incorporation Certificate with the Corporate Affairs Commission.

Note: Curriculum Vitae (CV) must be printed on the letter head with the name incorporated and contained on the CAC certificate.

See the Notaries Public Act, LFN, 2004

Go to Supreme Court website: <http://supremecourt.gov.ng>

info@supremecourt.gov.ng

For more information visit: <https://notary.gov.ng>

KEY HIGHLIGHTS OF THE STARTUP ACT 2022

► What You Should Know

Startups Now Require Additional Certification

Before a company can enjoy the benefits under the Act, it must obtain a Certificate known as the startup "label". By this, only entities with the startup label can be considered as startups for the purpose of the Act. The Act establishes a startup investment seed fund through which startups can access funding.



BENEFITS OF OBTAINING A STARTUP LABEL

- I. Eligibility to access special funds
- ii. Access to grants and loan administered by the Central Bank of Nigeria (CBN) and Bank of Industry (BOI)
- iii. Eligibility for possible four years tax exemptions and other tax incentives.
- iv. Eligible employees of a labelled startup are entitled Personal Income Tax exemption of 35% of the income of the employee for a period of two years from date of engagement. Etc.

ELIGIBILITY FOR GRANT OF STARTUP LABEL

According to the Act, to be labelled a startup, the entity must be registered as a Limited Liability Company under the Companies and Allied Matters Act 2020.

The startup must have been in existence for a period of not more than 10 years from the date of Incorporation.

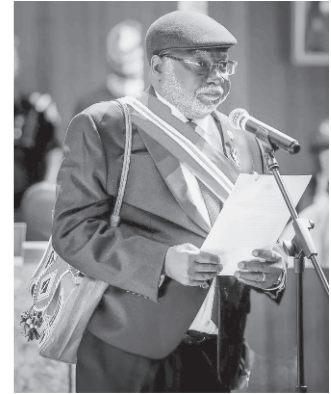
It must have at least one Nigerian as a co-founder.

Its business object must include: "innovation, development, production, improvement, and commercialisation of a digital technology innovative product or process".

The Startup Act was signed into law on the 19th day of October 2022.



BUHARI SWEARS IN ARIWOOLA AS CJN



The swearing in of Mr Ariwoola as CJN followed his confirmation by the Senate on 21 September Three months after his appointment by the President.

President Muhammadu Buhari has sworn in Olukayode Ariwoola as substantive Chief Justice of Nigeria at the Council chamber of the State House, Abuja, on Wednesday.

The News Agency of Nigeria (NAN) reports that the swearing in of Mr Ariwoola followed his confirmation by the Senate on 21 September three months after his appointment by the president.

Mr Ariwoola took the judicial oath of office in a brief ceremony shortly before the commencement of the weekly virtual meeting of Federal Executive Council (FEC), chaired by the president.

NAN reports that the event was witnessed by Vice-President Yemi Osinbajo, some cabinet Ministers, other justices of the Supreme Court, the governors of Oyo and Ondo States, Seyi Makinde and Rotimi Akeredolu respectively.

Mr Ariwoola was appointed as acting CJN on 27 June, following the resignation of Justice Tanko Muhammad, on health grounds.

Mr Ariwoola was appointed a justice of the Supreme Court on 22 November, 2011 by President Goodluck Jonathan.

He is an indigene of Iseyin in Oyo State.

Speaking to State House correspondents after the swearing in, the CJN appealed to politicians in the country to allow the judiciary function properly as the 2023 elections approach while promising reforms at the apex court.

Mr Makinde, who also spoke to the correspondents, expressed gratitude on behalf of the people and government of Oyo state to the president.

PRESIDENT BUHARI CONFERS NATIONAL HONOUR ON NBA PRESIDENT Y. C MAIKYAU SAN

The President of the Nigerian Bar Association, Mr. Yakubu Chonoko Maikyau, SAN will be conferred with the national honour of the Officer of the Order of the Niger (OON) in acknowledgement of his services to the nation as a Legal Practitioner of repute and for his service to humanity.

The NBA President received the national honour at an event presided over by President Muhammadu Buhari at the State House, Abuja on October 11, 2022.

The NBA President has expressed his gratitude to God Almighty, the Bestower of all honours, and the Federal Government for the national award. He stated that he remains committed to a Bar that focuses on the promotion of the rule of law in Nigeria.





NIGERIAN BAR ASSOCIATION

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www.nigerianbar.org.ng

25/10/2022

PRESS RELEASE

NBA TO INTERVENE IN FLOOD DISASTER

The President of the Nigerian Bar Association (NBA), Yakubu Chonoko Maikyau, SAN, OON has sympathised with Nigerians and members of the NBA who were affected by floods in numerous towns and villages of Nigeria.

In a letter dated 24th October 2022 addressed to the chairmen of the 125 branches of the NBA, Mr. Maikyau SAN OON acknowledged that many Nigerians, including lawyers have been affected by the floods and directed the chairmen of the 125 branches to compile the list of NBA members directly affected by the flood so that NBA can offer some help and bring succour to them and their families.

In his words, "Nothing will ever replace the lives that have been lost, but we can help by joining hands with the relevant authorities to see that some form of material aid is made to alleviate the sufferings of the people, most especially our colleagues."

As the government, aid agencies and well-meaning Nigerians continue to find ways to bring relief to affected persons, the NBA calls on the relevant authorities to look into the planning of all Nigerian towns and cities with a view to creating or implementing the plan for natural waterways which serve as precautionary measures against flooding. We also implore all Nigerians to keep following the weather updates and flood alerts published by NEMA and other agencies while ensuring compliance with recommended safety precautions provided therein.

Akorede Habeeb Lawal
National Publicity Secretary, NBA

NATIONAL OFFICERS:

Yakubu Chonoko Maikyau, SAN President

Adesina Adegbite, FICMC, General Secretary; Linda R. Bala (Mrs), 1st Vice President; Chukwuemeka Clement Ugo, 2nd Vice President; Amanda Ego Demechi-Asagba, 3rd Vice President;

Caroline Ladidi Anze-Bishop, Treasurer; Chinyere Gladys Obasi, Welfare Secretary; Akorede Habeeb Lawal, Publicity Secretary;

Daniel K. Kip, Assistant Secretary; Charles Ajiboye, FICMC, FCAI, ACIS Assistant Publicity Secretary

NBA OWERRI BRANCH COMMITTEES

The Nigerian Bar Association, Owerri Branch has released the list of committees. The list of committees and names of the heads of the committees are as follows:

1. FINANCE & GENERAL PURPOSE COMMITTEE

1. Chief Eze Duruiheoma, SAN - Chairman
2. L. A. Njemanze - Alternate Chairman
3. Dr. Ethelbert Eze - Secretary

2. CLOAKROOM FACILITY

1. Dr. Livy Uzoukwu, OON, SAN. - Chairman
2. Chief Soronnadi Njoku - Alternate Chairman
3. Oliver Nwakanma - Secretary

3. CONTINUING LEGAL EDUCATION

1. Prof. U. U. Chukwumaeze, SAN - Chairman
2. Dr. Maurice Obasi - Alternate Chairman
3. Dr. Otito Onyema. - Secretary

4. LAW REFORM COMMITTEE

1. F. A. Onuzulike, SAN - Chairman
2. J. C. Uwazuruonye-Alternate Chairman
3. E. C. Aguta -Secretary

5. BAR/BENCH COMMITTEE

1. Ndukwe Nnawuchi, SAN - Chairman
2. Ama Akalonu - Alternate Chairman
3. Kingsley Ehujuo - Secretary

6. WELFARE COMMITTEE

1. K.C.O. Njemanze, SAN-Chairman
2. Ngozi Chibuisi - Alternate Chairman
3. Desmond Unegbu - Secretary

7. HUMAN RIGHTS COMMITTEE

1. Dr. Chioma Emukah-Chairman
2. Azubuike Nwankenta-Alternate Chairman
3. lyke Umah-Secretary

8. SPORTS AND RECREATION COMMITTEE

1. Chief. H. N. Duroha -Chairman
2. Uzor Enwere-Alternate Chairman
3. Uzochukwu Ibekwe-Secretary

9. LAW JOURNAL COMMITTEE

1. Assoc/Prof. C. K. Okorie- Chairman
2. Dr. Mazi Udegbumem- Alternate Chairman
3. Dr. Chizoba Opara- Secretary

10. MENTORSHIP/CAPACITY BUILDING COMMITTEE

1. D. C. Denwigwe SAN - Chairman
2. Emeka Nwaneri - Alternate Chairman
3. Nnadozie Ewelike- Secretary

11. BUS ACQUISITION COMMITTEE

1. Chief Charles Onyeagbako - Chairman
2. Chief Osita Nwosu - Alternate Chairman
3. Ngozi Idih - Secretary

12. PUBLIC INTEREST LITIGATION COMMITTEE

1. Chief Chukwuma Ekomaru, SAN - Chairman
2. L.U.N. Nwakaeti - Alternate Chairman
3. Obinna Adindu - Secretary

13. YOUNG LAWYERS FORUM

1. Izuchukwu Mmemma - Chairman
2. Chiemezie Nnawuchi - Alternate Chairman
3. Chiamaka Nwaogaraku - Secretary
4. Deborah Nnabugo - Treasurer
5. Tayo Akintayo - Assistant Secretary
6. O. C. J. Kamalu - Publicity Secretary
7. Ekezie Ifeanyi - Financial Secretary
8. Davidson Ukatugo - Social Secretary
9. Chinenye Odoemena - Welfare Secretary
10. Chiebuka Nwosu - Provost

14. LAW FIRM REGISTRATION COMMITTEE

1. Eke Onyeforo - Chairman
2. lyke Ujah - Alternate Chairman
3. Ike Augustine - Secretary

15. ANTI- IMPERSONATION COMMITTEE

1. Emeka Nwagwu, SAN - Chairman
2. A. S. Ogujiofor - Alternate Chairman
3. Stanley Chukwu - Secretary

16. E - INFRASTRUCTURE

1. Chris Ihentuge - Chairman
2. M. Chukwurah Onuorah - Alternate Chairman
3. Daniel Odiba - Secretary

17. LAW WEEK

1. J. T. U. Nnodum, OFR, SAN - Chairman
2. Chidi B. Nworka - Alternate Chairman
3. Ishmael Nkwocha - Secretary

18. SECURITY AGENCY RELATIONS COMMITTEE

1. L. M. Alozie SAN - Chairman
2. Norbert Agbodike - Alternate Chairman
3. Chukwuemeka. Nnadi - Secretary

19. HISTORY & ARCHIVES COMMITTEE

1. C. T. Okeke - Chairman
2. Osita Chukwuemeka - Alternate Chairman
3. Nnaemeka Bruno Okafor - Secretary

20. HEALTH COMMITTEE

1. Chief N.B.E. Nwigwe-Chairman
2. Mrs. Chinaka Sunday-Iherue-Alternate Chairman
3. J. O. Moses-Secretary

21. ADVISORY COMMITTEE

1. All Past Chairmen;
2. All Past Vice Chairmen;
3. All Past Secretaries;
4. Five (5) Senior Advocate of Nigeria:
 - (i.) **Dr. Livy Uzoukwu, SAN (OON).**
 - (ii.) **J. T. U. Nnodum, SAN (OFR).**
 - (iii.) **Chief Eze Duruiheoma, SAN.**
 - (iv.) **Chief Chukwuma Ekomaru, SAN.**
 - (v.) **N. A. Nnawuchi, SAN.**
5. Five (5) Benchers:
 - (i.) The Honourable the Attorney General of Imo State.
6. Five (5) Co-Opted Members:
 - (i.) **L. M. Alozie, SAN.**
 - (ii.) **Prof. U. U. Chukwumaeze, SAN.**
 - (iii.) **L. C. Ugorji, Esq.**
 - (iv.) **Chief Soronnadi A. Njoku.**
 - (v.) **Chidi B. Nworka.**



2023:

EFCC To Take War Against Money Laundering To Lawyers, Accountants & Others

The Economic and Financial Crimes Commission (**EFCC**) says ahead of the 2023 elections, it will take the war against money laundering by politicians to lawyers, accountants, professionals and other designated non-financial businesses and professions (DNFBPS). The Chairman of the Commission, Abdulrasheed Bawa said this on Tuesday 25th October, 2022 at a workshop on financial crimes reporting organised by the Commission for some selected journalists in Lagos. Bawa said the commission was stepping up its investigations of the DNFBPS through its Special Control Unit Against Money Laundering (SCUML) under the newly enacted Money Laundering Prohibition and Prevention Act, 2022. "There are certain provisions of this new law that I believe will affect you directly or indirectly. One is the secrecy of financial transactions. The new law criminalizes the operations of numbered accounts and also mandates financial institutions to ascertain the beneficial owners of accounts before opening such accounts.

"There is a more robust requirement for due diligence and reporting obligation by financial institutions and non-financial businesses and professions to the SCUML," he added. On the 2023 general elections, Bawa said the commission was beaming its searchlight on some politicians. He also said that the commission was taking an interest in the activities of some lawyers, accountants, tax consultants, real estate agents, construction companies, car dealers, precious stone dealers and some others as its investigations showed that they had become gatekeepers of money laundering. Bawa said, "we can't afford to have criminals hijacking our own political process. If they have some funds that they want to channel from there, we have to block them...very important and very critical, because the work we are doing is for the betterment of this country and we need to ensure that we have only legitimate sources of funds in our political process so we can elect our right leaders." But what we have seen time and time again is that some funds that are finding their way to lawyers' accounts are monies taken there for the purpose of laundering and we have quite a number of cases to show for it".

"They can hide under the guise of payment of fees to do that but at the end of the day, investigations will show whether the payment is for legal fees or otherwise. They are getting smarter, and we too are getting smarter. Luckily for us, we have Polygraph and if you consent to it, we do a polygraph and you will tell us the truth." We have seen for instance a legal practitioner that he is the one paying for tickets, school fees, and almost everything for his client so what are we talking about here and it's not something peculiar to Nigeria and that's why we say Nigeria should not be left out in global best practises regarding legal practitioners making currency transaction reports on their clients activities. Bawa also revealed that the EFCC had recorded over 2,701 convictions as at October 7, 2022. He said, "In 2021, the commission secured 2,220 convictions. This has jumped to 2,701 by October 7, 2022. Assets running into several billions of naira have also been recovered by the commission. In spite of this, we are not resting on our laurels because there is more ground to be covered. We believe more needs to be done to deter citizens from getting involved in financial crimes and discourage the theft of public resources." It is for this reason we are intensifying our public enlightenment engagements, which in a few weeks time will witness the formal launch of the EFCC radio."

STRIKING OUT OF AN APPEAL: END OF THE ROAD?

BY CHIEF E. O. ONYEMA



1.00 INTRODUCTION

1.01 A party who is dissatisfied with the decision of a Court would normally appeal against such a decision. However, such appeal, when filed, can only be determined on the merits by the appellate Court if the appeal is found to be competent. Where the appeal is found to be incompetent, the court would usually strike out and not dismiss the appeal, the same not having been considered on the merits. See **NWAOHA V. C. O. P (2018) LPELR — 44214 (SC)**. Even where the word “*dismiss*” was used in terminating the appeal, such “*dismissal*” not being on the merits is in effect regarded as mere striking out. See **UNION BANK OF NIG. PLC V. PETRO UNION OIL & GAS LTD & ORS (2021) LPELR - 56671 (SC)**.

1.02 There may be several procedural defects that may bring about such incompetence including: failure to obtain leave to appeal when such leave is required: **EMETUMA & ORS V NWAGWU & ORS (2022) LPELR - 56861(SC)**; filing the notice of appeal outside the statutory time frame without obtaining an extension of time: **STEPHEN V. STATE (2020) LPELR- 57336 (SC)**; **IHENACHO & ORS V. EGBULA & ORS (2021) LPELR - 55931 (SC)**; failure to properly sign the notice of appeal: **RAJI V. UNILORIN & ORS (2018) LPELR - 44692(SC)**; etc.

1.03 Upon the striking out of such appeal, the Appellant “*loses*” and the Respondent “*wins*”. The question however is: What is the legal import of such “*victory*” and “*loss*”?

2.00 END OF THE ROAD?

2.01 Like any other contest, if the losing party remains where he fell, that is the end of the journey. But can the losing Appellant rise and resume the fight afresh? Having regard to the rigorous processes and length of time involved and even judicial energy expended in prosecuting an appeal up to the level where the appeal is heard and the judgment striking out the same is delivered, the usual feeling would be that the Law would loath to permit the aggrieved party coming up again with a fresh appeal. But is this the position of the Law?

2.02 In the recent decision of the Supreme Court In **OPTIMUM CONSTRUCTION & PROPERTY DEV. LTD V. AKE SHAREHOLDINGS LTD (2021) LPELR - 56229 (SC)** the apex court summed up the law as follows:

“In situations such as this, the proper course open to a party who desires to appeal is to commence afresh the process of fulfilling the conditions precedent to filing a valid appeal by applying for extension of time to seek leave to appeal, leave to appeal and extension of time to appeal under a new appeal number. There is no law prohibiting the prospective appellant from doing so... The dismissal of an appeal on the ground that the required leave of Court to bring it was not first obtained before it was filed, does not determine the merit of the appeal and cannot finally determine the appeal so as to bar the exercise of a right of appeal to properly appeal...”

2.03 It follows therefore that an appellant whose appeal was struck out for incompetence can initiate and prosecute a fresh appeal in respect of the same decision against which he is aggrieved and such new appeal cannot be regarded as an abuse of Court process. See **JAMES V. NIGERIAN ARMY (2018) LPELR — 4608 (CA)**.

2.04 It would only require the appellant to seek and obtain an extension of time within which to initiate the fresh appeal. Happily, the trend of judicial thought and disposition is to grant such extension of time as the fact of the earlier botched appeal is even regarded as a genuine effort by the appellant to appeal against the judgment; See **UNION BANK OF NIG. PLC V. PETRO UNION OIL & GAS LTD & ORS (2021) LPELR - 56671 (SC)**. The Appellant would only need to satisfy the court that his proposed grounds of appeal are substantial as such leave to appeal would be refused where the grounds of appeal are adjudged non-substantial. See **MINISTER OF PETROLEUM & MINERAL RESOURCES V. EXPO-SHIPPING LINE (NIG) LTD (2010) LPELR - 3189 (SC)**; **OPTIMUM CONSTRUCTION & PROPERTYDEV. LTD V. AKE SHAREHOLDINGS LTD (2021) LPELR - 56229 (SC)**.

2.05 However, it needs to be pointed out that there are certain proceedings including appeal proceedings that can only be initiated and concluded within specific statutory time frames. In respect of such proceedings therefore, it is safe to posit that once the incompetent appeal is struck out and the statutory time frame has run out, though the striking out would not be on the merits, the opportunity to initiate a fresh appeal would not exist as there would be no room for extension of time to appeal. In such situations any subsequent appeal would be statute barred. See for instance the provisions of **S. 285 (7) and 285 (12) of the 1999 Constitution of the Federal Republic of Nigeria** (as altered) under which appeals from decisions given in pre-election matters and election petitions must be heard and concluded within 60 days of the date of the decision appealed against. Outside that time frame the court loses jurisdiction to entertain such appeals. See **PDP V. CPC & ORS (2011) LPELR - 2909 (SC)**; **PDP V. INEC & ORS (2014) LPELR - 23808 (SC)**.

3.00 CONCLUSION

3.01 In view of the foregoing, where an appeal is struck out for incompetence that may not be the end of the journey. An appellant who has good grounds of appeal and who has the resources and will to continue the fight can still go back to the drawing board and start afresh. In most cases, such second missionary journeys end up very fruitful and rewarding.

In **SPDC (NIG) LTD V. ADIZUA (2014) LPELR — 23235 (CA)** the appellant's appeal was struck out for having been initiated without leave. However a fresh appeal initiated and prosecuted by the same appellant against the same decision succeeded in **SPDC (NIG) LTD V. ADIZUA (2018) LPELR - 444437 (CA)**.

CHIEF E. O. ONYEMA

(Principal Solicitor)

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Human Rights Committee

of the Nigerian Bar Association, Owerri
visits baby Miracle

At
FMC
Federal Medical Centre
Owerri

The Human Rights Committee of the Nigerian Bar Association, Owerri chaired by Dr. Mrs Chioma Emuka visited the Federal Medical Centre Owerri on 26/10/2022 where Favour Chikpe and her son Miracle are being medically managed.

It was reported on major news platforms that the father of the 2-month-old baby Miracle allegedly beat up the baby with a hanger in Imo for disturbing his sleep and broke the

baby's arm leading to amputation.

Mr Amatobi was said to have assaulted little Miracle with a plastic hanger and broke the baby's arm for disturbing his sleep.

The ugly incident led to the amputation of the fractured arm at the Pediatrics ward of the Federal Medical Centre, FMC Owerri.

"The perpetrator, Mr. Confidence Amatobi, who hails from Amurie in Isu L.G.A used a plastic hanger on the baby, simply because he was crying that the 20-year-old mother left to ease herself. He used wood and elastic bands to tie the baby's hand when he saw that hand was broken and swollen.

"He locked up the mother and baby to prevent her from talking to neighbours or seeking help. He also took her phone from her. After two days she found her way out and sought help from her neighbours. The said Mr. Confidence was arrested by a vigilante but he escaped. By the time help came, the baby's hand was already decayed. The only option was to cut off baby Miracle's right hand from shoulder,"

MEMBERS OF THE COMMITTEE IN LIASON WITH THE HOSPITAL STAFF, HAS SINCE TAKEN PROACTIVE MEASURES AIMED AT SECURING MOTHER AND CHILD. THE COMMITTEE HAVE ALSO DETAILED A POLICE TEAM TO IMMEDIATELY PROCEED THERE TO RECORD THE MOTHER'S STATEMENT.



CONGRATULATIONS, ASSOCIATE PROFESSOR C. K. OKORIE (SAN-DESIGNATE)

The branch received with excitement the news of the elevation of ASSOCIATE PROFESSOR C. K. OKORIE to the highly revered rank of Senior Advocate of Nigeria.

We are particularly excited as this elevation gives the Owerri Branch another representation on the list of those conferred with the rank this year.

Although this conferment is a mark of excellence for a member who has distinguished himself as an Academic, Owerri Bar has been adjudged by many as a vibrant Branch of many distinguished Advocates. We look forward to more conferment of this rank on our members.

On behalf of the Chairman, U. D. Alinnor, ACArb., other members of the Executive Committee and the entire members of the Branch, we say congratulations!

DANIEL ODIBA, ACArb.
PUBLICITY SECRETARY,
NBA OWERRI BRANCH

22/23 New Legal Year:

CJN TO SWEAR-IN 62 SENIOR ADVOCATES OF NIGERIA ON 28TH NOV. 2022

** Swearing In Ceremony Part Of Programmes To Usher In The Legal Year*

** Says Date Shifted From 21st To 28th To Accommodate Supreme Court Programme Already Slated*

The Chief Justice of Nigeria, Hon. Justice Olukayode Ariwoola, GCON, will swear-in 62 new Senior Advocates of Nigeria on Monday 28th November, 2022 at the main Courtroom of the Supreme Court.

This was disclosed in a statement by the Director of Press and Information, Dr. Festus Akande.

He said the swearing-in ceremony is one of the several programmes planned to formally usher-in the 2022/2023 legal year of the Supreme Court of Nigeria.

Dr Akande, noted that going by our age-long tradition, during such programmes, the Honourable Chief Justice of Nigeria, will deliver a state-of-the Judiciary address which is ostensibly to highlight the performance of the Supreme Court, and by extension, the Nigerian Judiciary in the outgoing 2021/2022 legal year.

Out of the 174 applicants for the Rank of Senior Advocate of Nigeria in 2022, 62 were successful at the end of the rigorous exercise. Out of this number, 53 are advocates while 9 are academics.

"The earlier announced date of 21st November, 2022 to swear-in the newly appointed Senior Advocates had to be shifted to the new date of 28th November, 2022 in order to accommodate other programmes slated for the Court's new legal year.

"The Supreme Court commenced its annual vacation after a highly eventful and remarkably successful 2021/2022 legal year on Monday 23rd July, 2022. Though the Court had started sitting since 12th September, 2022, the new legal year ceremony is now being formally held in line with our tradition", Dr. Akande said.

All the programmes billed to mark the commencement of the new legal year are to begin at 10:00am in the main courtroom of the Supreme Court.

EXTRA



Flood:

Allow us to wear Shorts to Court – Lawyer calls for amendment of dress code

As the unending flood has continued to wreak havoc across Bayelsa State, South-south Nigeria, a legal practitioner based in Bayelsa State has cried out for an amendment of the dress code for lawyers to include the wearing of shorts and sandals to court.

In a viral video, the lawyer was seen wading through the flood in his lawyer's attire wearing shorts and sandals.

He prayed that the rules should be amended to accommodate his new dress style.

Reacting, many lawyers stated that the present calamity is not enough to call for amendment of lawyers rules.

The flood, which has displaced thousands of residents, had compelled the electricity company in charge of the state to shut down public power supply.

This was done out of safety concerns, as most transformers had been submerged.

THIS BOX CALLED PARADOX

Here we lie
beneath purple clouds.
Lost in the deep pockets of time.
A whiff of life.
The hand of god or not.
Existence throws us a box,
A box of paradox.
Everyone carries one.
We walk this labyrinth,
In tiring futility
Seeking the keys to this box.
Most will never find it
The few who did, found nothing.

NBA



OWERRI NEWSLETTER:

To promote our professional and intellectual development, the Nigerian Bar Association, Owerri Branch invites our members with passion for writing to submit articles for publication in our Newsletters. The articles must focus on topical areas of law and related issues. The article must meet the following rubric:

- The article must be submitted in MS Word
- Maximum number of words:500 and minimum of 400 words
- Articles must be original works of the author and the use of any sources or materials must be properly cited and acknowledged.
- It must not contain any political opinion, racial and religious incitement, plagiarism, libel or infringement of any existing literary works whatsoever.

Kindly submit your articles to: danielodiba@nigerianbar.ng

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MAZI AFAM OSIGWE, SAN

The world is a much better place for having had you in it for the last 50 years. Your life has been half a century of grace. You have been a delight of God all through these years.

You have selflessly let many souls live through you within and outside the bar.

Congratulations on reaching this milestone of Golden age. Renewed strength and refreshment for you, we pray.

Cheers to a fun-filled fabulous Fifty!

IMO BAR FELICITATE WITH AFAM OSIGWE, SAN @50

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