



Legal Practitioners Act

Chapter 207

Laws of the Federation of Nigeria 1990

Legal Practitioners (Remuneration for Legal Documentation and other Land Matters) Order 1991

Commencement 15th August 1991

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In exercise of the powers conferred by section 15 (3) of the Legal Practitioners Act and of all other powers enabling it in that behalf, the Legal Practitioners Remuneration Committee hereby makes the following order:-

1. The remuneration of a legal practitioner in respect of business connected with any sale, purchase, lease, mortgage and other matter of legal documentation and in respect of other business not otherwise regulated and not being business in any action or transaction in any court, shall be regulated as follows-
 - (a) in respect of a sale, purchase or mortgage that is completed, the remuneration of the legal practitioner having the conduct of the business shall be prescribed in scale 1 set out in the schedule to this order ;
 - (b) in respect of a lease and agreement for lease, in which the transactions have been completed, the remuneration of the legal practitioner having the conduct of the business shall be as prescribed in scale II set out in the schedule to this order;
 - (c) in respect of all other legal documents not provided for in paragraphs (a) and (b) of this section, the remuneration of the legal practitioner having the conduct of the business shall be as prescribed in scale III set out in the schedule to this order.
2. (1) The remuneration prescribed in scales I and II set out in the schedule to this order shall not include-
 - (a) stamps, auctioneer' or valuer's charges, traveling expenses, fees paid on searches, fees paid on registrations, costs of extracts from any register or other disbursements reasonably and properly paid
 - (b) any extra work occasioned by charges occurring in the course of any business such as death, insolvency or winding up of a party to a transaction ;
 - (c) any business of contentious nature of any proceeding in any court;
 - (d) any application for first registration under any enactment relating to registration of any title to land or any other interest in land necessitated by transaction of which a scale fee is

payable to the legal practitioner;

- (e) any application for consent required under the land use act but shall include any engrossing charge and allowance for the time of the legal practitioner and his clerks and copying the parchment and all other similar disbursements.

(2) for the purpose of this section-

"fees paid on searches" means-

- (a) charges levied by any registry for permitting searches to be made;
 - (b) charges (if any) levied by any registry for providing any official search ;and
 - (c) fee paid to a legal practitioner for making a research at registry outside the district in which the legal practitioner having the conduct of the business carries on his practice.
3. drafts and copies made in the course of business for which remuneration is provided for by this order, shall be the property of the client.
 4. a legal practitioner may be allowed, in respect of any business which is required to be and is by special exertion carried through in an exceptionally short length of time, a proper remuneration for the special exertion in accordance with the circumstances.
 5. in all cases to which the remuneration prescribed in scale I and II set out in the schedule to this order would, but for this section be chargeable, a legal practitioner may, before undertaking any business, by writing under his hand communicated to the client, elect that his remuneration shall be in accordance with the provisions of scale III also set out in that schedule.
 6.
 - (1) A legal practitioner may accept from its client, and the client may give to his legal practitioner, security for the amount to become due to the legal practitioner for business to be transacted by him and for interest on such amount but such interest shall not commence till the amount due is ascertained either by agreement or taxation.
 - (2) A legal practitioner may charge interest at ten *per cent per annum* on his disbursement and cost whether by scale or otherwise, after the expiration of one month from demand from the client; and where the disbursement and cost are payable by an infant or out of a fund not presently available, the demand may be made on the parent or guardian or the trustee or other person liable.
 7.
 - (1) The fees prescribed in the Scales set out in Schedule to this Order shall be the fees chargeable for the matters stated in the Scales and they shall not be negotiable.
 - (2) Any legal practitioner who contravenes the provisions of subsection (1) of this section shall be guilty of a professional misconduct and shall for that purpose appear before the Legal Practitioners Disciplinary Committee.
 8. The operation of the provisions of Scale I or II shall in each one be subject to the rules appended to each Scale.
 9. In this Order, unless the context otherwise requires –

"copying" does not include making copies required by any Government official or land registry in connection with the approval on registration of deeds;

"perusal" or "perus" means carefully reading and proffering an opinion on a document.

10. (1) This Order maybe cited as the legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order 1991.
- (2) The Legal Practitioners (Remuneration for conveyancing Maters) Order 1971 is hereby revoked.

Schedule

Scale 1

Sections 1,5 and 7

Scale of Charges on Sales, Purchases, and Mortgages, and Rules Applicable thereto

Part I

(1) Transaction conducted	(2) For the first N1000 per N100	(3) For the second and third N1, 000 per N100	(4) For the fourth and each subsequent N 1000 up to N20, 000 per N100	(6) For the remainder without limit Per N100
1. (1) Vendor's legal practitioner for conducting a sale of property by public auction, including the conditions of sale -	N 22.50	N 5.62	N 3.75	N 2.80
(a) when the property is sold ...	N 11.25	N 5.62	N 2.80	N 1.48
(b) when the property is not sold, then on the reserved price...				
(2) A minimum charge of 100.00 is to be made whether a sale is effected or not.				
2. Vendor's legal practitioner for deducing title to leasehold property and perusing and completing legal documentation	As in Part II Thereof	N 22.50	N 11.25	N 5.00

(including preparation of contract and condition of sale, (if any)					
3. Purchaser's legal practitioner for investigating title to leasehold property and preparing legal documentation (including perusal and completion of contract, if any) ...	As in Part II Thereof	N 22.50	N 11.25		N 7.50
4. Mortgagor's legal practitioner for negotiating loan...	N 11.25	N 11.25	N 3.75		N 2.50
5. Mortgagor's legal practitioner for deducing title to leasehold property, perusing mortgage and completing.....	As in part II Thereof	N 22.50	N 11.25		N 2.50
6. Mortgagee's legal practitioner for negotiating loan...	N 22.50	N 22.60	N 7.70		N 5.00
7. Mortgagee's legal practitioner for investigating title to leasehold property, and preparing and completing mortgage..	As in part II Thereof	N 22.50	N 11.50		N 2.50
8. Purchaser's legal practitioner for negotiating a purchase and vendor's legal practitioner for negotiating a sale of property by private auction...	N 22.50	N 3.75	N 3.62		N 2.80

Part II

Consideration	Remuneration N
Under N 200	146.75
N 200 or over but not exceeding N300	157.50
Over N 300 but not exceeding N 400	173.25
Over N 400 but not exceeding N 600	189.20
Over N 600 but not exceeding N 700	193.75
Over N 700 but not exceeding N 800	200.00
Over N 800 but not exceeding N 900	213.75

Over N 900 but not exceeding N 1,000	225.00
Over N 1,000 but not exceeding N 1,100	235.25
Over N 1,100 but not exceeding N 1,200	247.50
Over N 1,200 but not exceeding N 1,300	258.75
Over N 1,300 but not exceeding N 1,400	270.00
Over N 1,400 but not exceeding N 1,500	281.25
Over N 1,500 but not exceeding N 1,600	292.50
Over N 1,600 but not exceeding N 1,700	301.75
Over N 1,700 but not exceeding N 1,800	303.75
Over N 1,800 but not exceeding N 1,900	316.25
Over N 1,900 but not exceeding N 2,000	337.50

Part III

Rules Applicable to Scale 1

1. Fractions of two hundred naira, under one hundred naira shall be reckoned as one hundred naira and fractions of two hundred naira, above one hundred naira, are to be reckoned as two hundred naira.
2. Where a legal practitioner is representing both mortgagor and mortgagee, he shall be entitled to charge the mortgagee's legal practitioner' fees and one-half of the fees which would be allowed to be mortgagor's legal practitioner.
3. If a legal practitioner peruses a draft on behalf of several parties having distinct interests w3hich ought to be separately represented, he shall be entitled to charge –

(a) Up to N2,000	N500
(b) N2,000 – 10,000	N750
(c) N10, 000 – N1000,000	N1, 500
(d) Above N100, 000	N2, 500
4. Where a party, other than the vendor or mortgagor, joins in a legal documentation and is represented by a separate legal practitioner to be dealt with under the provisions of Scale III set out in this Schedule.
5. When legal documents of the same property are completed at the same time and are prepared by the same legal practitioner, he shall be entitled to charge as provided for under rule 3 of these Rules.
6. The commission for deducing title, perusing and completing legal documentation on a sale by auction shall be chargeable on each lot of property, but where a property held under the same title

is divided into lots for convenience of sale and the same purchaser buys several lots and takes one legal document, the commission shall be chargeable upon the aggregate prices of the lots.

7. (1) The commission on an attempted sale by auction in lots shall be chargeable on the aggregate of the reserve prices.
 - (2) When property offered for sale by auction is bought and the terms of sale are afterwards negotiated and arranged by legal practitioner, he shall be entitled to charge a commission according to the above Scale on the reserved price where the property is not sold and also one-half of the commission for negotiating the sale.
 - (3) When property is bought and afterwards offered for sale by auction by the legal practitioner, he shall only be entitled to charge fees for the first attempted sale and, for each subsequent sale ineffectually attempted, he shall charge his fees according to the provisions of Scale III set out in this Schedule.
 - (4) In the case of subsequent effectual sale by auction, the full commission for an effectual sale shall be chargeable in addition less one-half of the commission previously allowed on the first attempted sale.
 - (5) The provisions of these Rules as to commission on sales or attempted sales by auction shall be subject to rule 10 of these Rules.

8. Where a property is sold subject to encumbrances, the value of the encumbrances shall be deemed a part of the purchase money, except where the mortgagee purchases, in which case the charges of his legal practitioner shall be calculated on the price of the equity of redemption.

9. The scale for mortgages shall apply to transfer of mortgagee where the title is investigated, but not –
 - (a) to transfers where the title was investigated by the same legal practitioner on the original mortgage or on any previous transfers; and
 - (b) to further charges where the title has been so previously investigated,and the transfers and further charges, shall be regulated according to Scale III set out in this Schedule, but the scale for negotiating the loan shall be chargeable on such transfers and further charges as applicable.

10. (1) The scale for conducting a sale by auction shall apply only in cases where no commission is paid by the client to an auctioneer.
 - (2) The scale for negotiation shall apply –
 - (a) to cases where the legal practitioner or a vendor or purchaser arranges the sale or purchase and the price, terms and conditions thereof and no commission is paid by the client to an auctioneer's legal practitioner; and
 - (b) to cases where the legal practitioner arranges and obtains the loan from a person for whom he acts.

Scale II

Part I

Scale of Charges for Leases or Agreements for Lease at Rack Rent (Other than a mining Lease or a Lease for Building purposes, or Agreement for the Same)

The lessor's legal practitioner's scale of charges for preparing settling and completing the lease and counterpart shall be as follows –

- | | |
|--|---|
| (a) Where the rent does not exceed N100 | N37.50 on the rental but not less than N25 in any case; |
| (b) where the rent exceeds N100 but does not exceed N1,000 | N37.50 in respect of the first N100 of rent and N25 in respect of each subsequent N100 of rent or part thereof; |
| (c) where the rent exceeds N1,000 | N37.50 in respect of the first N100 of rent and N25 in respect of each N100 of rent or part thereof up to N1,000 and then N12.50 in respect of every subsequent N100 or part thereof. |
2. The lessee's legal practitioner's scale of charges for perusing draft and completing..
- One half of the amount payable to the lessor's legal practitioner.

Part II

Scale of charges for Legal Document in fee or for Any Other Legal Estate Reserving Rent or Building Leases Reserving Rent or Other Leases for a Term of 35 Years or more at Rack Rent (Except Mining Leases) or Agreement for the same respectively.

The vendor's or lessor's legal practitioner's scale of charges for preparing settling and completing legal documentation and duplicate of lease and counterpart shall be as follows –

- | <i>Amount of Rent</i> | <i>Amount of Remuneration</i> |
|--|--|
| (a) where it does not exceed N100... | N25 ; |
| (b) where it exceeds N,1000 | The same payment as on rent of N100 and also 20 <i>per cent</i> on the excess beyond N25 ; |
| (c) where it exceeds N1,000 but does not exceed N3,000 | The same payment as on a rent of N3,000 and 10 <i>per cent</i> on the excess beyond N750 |
| (d) where it exceeds N3,000 | |

The same payment as on a rent of N3,000 and 7.5 *per cent* on the excess beyond N750.00.

- (2) Where a varying rent is payable the amount of annual rent means the largest amount of annual rent.
2. The purchaser's or lessee's legal practitioner's scale of charges for perusing draft and completing the lease shall be one-half of the amount payable to the vendor's or lessor's legal practitioner.

Part III

Rules Applicable to Scale II

1. Where a legal practitioner acts for both lessor and lessee, he shall charge the lessor's legal practitioner's charge and one-half of those of the lessee's legal practitioner.
2. Where a mortgagee or mortgagor joins in a lease, the lessor's legal practitioner shall charge N100 in addition to the fee chargeable.
3. Where a party other than a lessor joins in a lease and is represented by a separate legal practitioner the charges of the separate legal practitioner, shall be dealt with under Scale III set out in this Schedule.
4. Where a lease is partly in consideration of a money payment or premium and partly of a rent, there shall be paid, in addition to the remuneration prescribed in this Scale in respect of the rent, a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium.
5. Where there is no legal practitioner acting for the lessor and the lessee's legal practitioner, without acting for the lessor, attends to preparing, settling, completing and registering the lease and counterpart, he shall be entitled to the fee which would have been payable had he been acting for lessor and to one-half the lessee's legal practitioner's fees.
6. In the absence of any specific agreement to the contrary between the parties each legal practitioner shall be paid his fees by the party instructing him.

Scale III

Section 1

**Any Business, Not Being Contentious Business for which the charge is Prescribed by
Section 2 or in Respect of which the Legal Practitioner has, in accordance with
Section 5 Elected to charge under Scale III.**

The Scale of charges for any business not provided for elsewhere in this Order shall be such sums as may be fair and reasonable, having regard to all the circumstances of the case and in particular to –

- (a) the complexity of the matter or the difficulty or novelty of the questions raised ;

- (b) the skill, labour, specialized knowledge and responsibility involved on the part of the legal practitioner'
- (c) the number and importance of the documents prepared or perused, without regard to length;
- (d) the time expended by the legal practitioner in the business;
- (e) the place where and the circumstances in which the business or a part thereof is transacted;
- (f) the amount of money or value of property involved ; and
- (g) importance attached to the business by the client.

Made at Lagos this 15th day of August 1991.

Hon. Prince Bola Ajibola SAN, KBE
Chairman,
Legal Practitioners Remuneration Committee
