EKITI STATE OFFICE OF THE ATTORNEY- GENERAL'S LAW, 2021

NO. 10 OF 2021

EKITI STATE OF NIGERIA

A LAW TO ESTABLISH THE ATTORNEY - GENERAL'S OFFICE, TO PROVIDE FOR ITS FUNCTIONS, ADMINISTRATION AND FINANCE AND TO PROVIDE FOR OTHER FUNCTIONS, DUTIES AND POWERS OF THE ATTORNEY – GENERAL AND FOR OTHER RELATED MATTERS.

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EKITI STATE OF NIGERIA

Commencement [

ENACTED BY THE EKITI STATE HOUSE OF ASSEMBLY as follows:

PART I

PRELIMINARY.

Application.

1. This Law shall apply to the Attorney-General, the Solicitor-General, Legal Officers and subordinate Officers under the Office who perform or discharge legal or paralegal functions and such other duties as may be assigned to them in the Office of the Attorney-General of Ekiti State.

PART II

ADMINISTRATION.

Administration of the Office.

- 2. (1) The administration of the Office, the discharge of duties, the exercise of the powers and the relationship of the Office with other Officers discharging legal duties in the Public Service shall be governed by this Law.
 - (2) The Attorney-General shall discharge the constitutional mandate of the Office specified under Section 195 of the 1999 Constitution (as amended) either in person or through a subordinate officer to whom the function is delegated.

Functions of the Attorney-General.

3. (1) In addition to the functions of the State Attorney-General provided under Section 211 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Attorney-General shall be responsible for:

- (a) advising Government Ministries, Departments, Constitutional Commissions and State Corporations on legislative and other legal matters;
- (b) advising the Government on all matters relating to the Constitution, international law, human rights, consumer protection and legal aid;
- (c) negotiating, drafting, vetting and interpreting local and international documents, agreements and treaties for and on behalf of the Government and its agencies.
- (d) coordinating reporting obligations to international human rights treaty bodies to which Nigeria is a member on any matter which Ekiti State is required to report;
- (e) drafting legislation for the Government and advising the Government and its agencies on legal matters;
- (f) constantly reviewing the laws of Ekiti State in consonance with the global best practices and dynamism of the legal profession;
- (g) oversees all legal matters pertaining to the administration of estates and trusts;
- (h) representing the Government in all criminal and civil matters; and
- (i) performing any function as may be necessary for the effective discharge of the duties and the exercise of the powers of the Attorney-General.
- (2) In the execution of the functions conferred by the Constitution and this Law, the Attorney-General shall provide efficient and professional legal services to the Government and the public for the purpose of facilitating, promoting and monitoring the rule law, the protection of human rights and democracy.

Powers of the Attorney-General.

- 4. (1) The Attorney-General shall, by virtue of his Office, have the exclusive right to sit in the inner bar or when no facilities exist for an inner bar, on the front row of seats available for Legal Practitioners and also mention any motion in which he is appearing or any other cause or matter which is on the list for mention and not otherwise listed for hearing out of its turn on the cause list in accordance to the Legal Practitioners Act.
 - (2) The Attorney-General shall, in discharging his functions under Section 211 of the Constitution have power to: -
 - (i) appear at any stage of any proceedings, appeal, execution or any incidental proceedings before any court or tribunal in which by law the Attorney-General's right of audience is not excluded;

- (ii) require any officer in the public service to furnish any information in relation to any matter which is the subject of legal inquiry;
- (iii) summon any officer in the public service to explain any matter which is the subject of litigation by or against the Government; and
- (iv) issue directions to any officer performing legal functions in any Government Ministry.
- (3) The Attorney-General shall: -
 - (a) establish such Departments, sections or units in the Office as may be necessary;
 - (b) supervise the formulation of policies and plans of the Office; and
 - (c) perform any other action necessary in the administrative interests of the Office.
- (4) The Attorney-General shall have the right to appear and advise on any legal matter in any committee.

Departments in the Office of the Attorney-General.

5. The following departments are hereby created for the smooth running of the office and effective service delivery to the public:

(1) Department of Civil Litigation:

- (a) advocates the State's interest in claims and litigation with a view to reducing potential liability;
- (b) renders legal advice on Civil disputes to MDA'S and government parastatals;
- (c) creates joint teams of law officers with specific subject matter expertise for efficient case management;
- (d) process modalities for the payment of judgement debts by mediating and negotiating between the judgement Creditors and the Government;
- (e) manage Arbitration issues for the state.

(2) Department of Public Prosecution shall:

- (a) be responsible for prosecuting offences created under any law of the State House of Assembly or any other law;
- (b) issue legal advice on all criminal matters;
- (c) collate and utilize crime-related data for the effective implementation of State Government policies on crime;
- (d) keep and update the register of sex offenders and help in the implementation of government's policies on effective perception of sex offenders.

(3) Department of Legal Drafting shall:

- (a) translate Government's policies to legislative Bills;
- (b) draft Memoranda of Understanding and Agreements between the government and any other party within and outside the state;
- (c) vet various Agreements, Memoranda of Understandings, Government's policies and other legal documents for the government;
- (d) issue legal advice on variety of legal issues and laws from time to time;
- (e) amend the State laws when required for onward transmission to the State House of Assembly;
- (f) assist the Attorney-General in preparing law-related Memoranda for the consideration of the State Executive Council.

(4) Directorate of Citizen's Rights shall:

- (a) ensure the protection of fundamental human rights of citizens in the State;
- (b) implement government policy on human rights and access to justice by indigents;
- (c) supervise and draft the state government's action plan for the promotion and protection of human rights;
- (d) ensure the adoption of alternative dispute resolution in civil matters including matrimonial matters, child maintenance & tenancy issues.

(5) Department of Law Review shall:

- (a) be responsible for the compilation of all legislations and enactments applicable in Ekiti State;
- (b) undertake the review of the Laws of Ekiti State as may be necessary in response to the development of the State.

(6) Department of Corporate and Commercial Law shall:

- (a) review and where necessary reform commercial laws in the State;
- (b) provide legal support and advise the government on removing obstacles to doing business in the State.
- (c) issue legal advice on commercial transactions in the State.

(7) Department of Chieftaincy Matters shall:

- (a) render legal advice on Chieftaincy matters and other related issues in the State;
- (b) facilitate meetings with Traditional Rulers as may be necessary for quick resolution of chieftaincy matters in court; and
- (c) undertake the review of Chieftaincy declarations as may be necessary.

(8) Department of Advisory Services shall:

- (a) render legal advice on civil petitions received from private persons, corporate organizations, ministries, agencies and other establishments of the State Government;
- (b) deal with issues arising from land transactions such as government acquisitions, compensation, revocation of rights of occupancy, etc.
- (c) coordinate legal Advisers posted to Government Ministries, Departments and Agencies by the Ministry of Justice.

(9) Department of Research and Publication shall:

- (a) be responsible for research, planning, data processing and publication in the ministry.
- (b) Publish the Ministry of Justice's Annual Activity Report as well as the following publications:-
 - (v) Ekiti State High Courts judgements;
 - (vi) Ekiti State Palace Courts' judgements;
 - (vii) Ekiti State Ministry of Justice's law Journal; and
 - (viii) Reports of Panels of Inquiry set up by the Government.

(10) Office of Administrator General and Public Trustee shall:

- (a) oversee the management of various estates of persons who died intestate;
- (b) ensure payment of death benefits of public servants and those referred to it by the National Social Insurance Trust Fund (NSITF) or other corporate bodies.

(11) Department of Finance and Account shall:

(a) be responsible for the preparation and collation of annual budget and disbursement of the funds to all departments in the Ministry.

(12) Department of Administration and Supplies shall:

- (a) oversee the general administration of the ministry;
- (b) perform functions such as appointment, promotion and discipline of junior staff;
- (c) liaise with service providers and budget planning.

Establishment of Ministry of Justice Academy.

- **6.** Ministry of Justice Academy is hereby created to:
 - (a) enhance the careers of all those who work in the Ministry through research and continuous education;
 - (b) equip Lawyers with sufficient skills and knowledge to enable them respond to current and emerging developments in legal profession.
 - (c) develop human resources development policy for ministry of Justice;
 - (d) design appropriate specific training programme for all staff of the Ministry of justice; and
 - (e) facilitate vocational training and professional development course for all the staff of Ministry of Justice.

Audience by Attorney-General in matters of Public Interest, etc.

- 7. (1) Despite the provisions of any written law to the contrary or in the absence of any other written law, the Attorney-General shall have the right of audience in proceedings of any suit or inquiry of an administrative body which the Attorney-General considers: -
 - (a) to be of public interest or involves public property; or
 - (b) to involve the legislative, the judiciary or an independent department or agency of the Government.
 - (2) In the exercise of the powers of the Attorney-General under subsection (1) above, the Attorney-General shall: -
 - (a) notify any court, tribunal or any other administrative body of the intention to be joined to the suit, inquiry or administrative proceedings; and
 - (b) satisfy the court, tribunal or any other administrative body of the public interest or public property involved, and comply with any direction of the court, tribunal or any such other administrative body on the nature of pleadings or measures to be taken for purposes of giving effect to the effective discharge of the duties of the Office.

- (3) Where a suit, inquiry or any other proceedings is pending before a court, tribunal or any other administrative body to which the Attorney-General does not have a right of audience, it shall be sufficient for the Attorney-General to file a certificate of the intention of the Attorney-General to be joined in the proceeding.
- (4) The court, tribunal or any such administrative body shall, upon receipt of a certificate under subsection (3), join the Attorney-General in the proceedings.

Protection from Personal Liability.

- 8. (1) No criminal proceeding or civil suit shall be brought against the Attorney-General, the Solicitor-General or a subordinate officer in respect of any proceeding in a court of law or in the course of discharging of the functions of the Attorney-General under the Constitution and this Law.
 - (2) No matter or thing done by the Attorney-General, the Solicitor-General or a subordinate officer shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Office, render the Attorney-General, Solicitor-General or other subordinate officer personally liable to any action, claim or demand whatsoever.

The Solicitor-General & Permanent Secretary.

- 9. (1) There shall be a Solicitor-General & Permanent Secretary who shall be appointed by the Governor on the recommendation of the Head of Service.
 - (2) A person shall be qualified for appointment to the office of Solicitor-General of Ekiti State if he has served as a legal officer in the Ekiti State Ministry of Justice for a period of not less than 15 years.
 - (3) The Solicitor-General shall assist the Attorney-General in the performance of the duties of the Attorney-General.
 - (4) The Solicitor-General shall carry out any function, discharge any duty and exercise any power as may be directed by the Attorney-General and shall:
 - (a) organise, co-ordinate and manage the administrative and legal functions of the Office;
 - (b) assist the Attorney-General in the performance of his duties as the principal legal advisor to the Government; and
 - (c) conduct, assign and supervise all Court cases, including appeals or petitions on behalf of the Attorney-General.

- (5) In the performance of the functions and the exercise of the powers of the Solicitor-General, the Solicitor-General shall be responsible for: -
 - (a) organising and coordinating the administrative and legal functions of the Office:
 - (b) formulating and ensuring implementation of development strategies for Government legal Services;
 - (c) undertaking duties of alternate chairperson of the Disciplinary Tribunal;
 - (d) coordinating the attachment of candidates for pupillage in the Office; and
 - (e) performing such other duties as may be conferred by law or otherwise assigned to the Solicitor-General by the Attorney-General.

Private Practice Prohibited.

10. Legal Officers in the office of the Attorney-General shall not engage in private practice, save as provided under the Ekiti State Public Service Rules and Rules of Professional Conduct.

Resignation.

11. The Attorney-General may resign from office in writing addressed to the Governor.

Delegation by Attorney-General.

- 12. (1) The Attorney-General may, either generally or otherwise as provided by the instrument of delegation, by writing under his hand delegate to the Solicitor-General or any Legal Officer all or any of his powers and functions under any written law.
 - (2) A power or function delegated under this Section may be exercised or performance by the Solicitor-General or Legal Officer in accordance with the instrument of delegation.
 - (3) A delegation under this Section may be revoked at will and does not prevent the exercise of a power or performance of a function by the Attorney-General.

Legal Officers in Government Ministries, Departments, Agencies, etc.

- 13. (1) All Legal Officer under the Office in any Government Ministry or Department shall be officers of the Attorney-General and shall be answerable to the Attorney-General.
 - (2) The Attorney-General shall have the power to issue directives to any Legal Officer with regard to the manner of performing the legal

functions within their respective Ministries, Departments, Commissions, etc.

PART III PEFORMANCE OF FUNCTIONS OF THE ATTORNEY-GENERAL

Reserve of Matters to the Attorney-General.

- 14. No Legal Officer shall render advice in any of the following matters without the written approval of the Attorney-General: -
 - (a) interpretation of the Constitution;
 - (b) any matter relating to local or International governments' agreements and treaties;
 - (c) any matter that the Attorney-General may from time to time designate;
 - (d) any matter which the law reserves to the Attorney-General.

Engagement of Consultants.

- 15. (1) No Ministry or Department shall engage the services of a consultant to render any legal services relating to the functions of the Attorney-General without the approval of the Attorney-General.
 - (2) For the purpose of observing standards, maintaining quality or capacity building, the Attorney-General may: -
 - (a) direct a Legal Officer to participate in the work of the Consultant; and
 - (b) prescribe the terms and conditions for a Legal Officer who participates in such consultancy.

Power to Issue Directives and Practice Notes.

- 16. (1) The Attorney-General shall exercise powers, issue directives or practice notes to any Officer to whom this Law applies for the purpose of maintaining standards and uniformity.
 - (2) The directives or practice notes issued pursuant to subsection (1) shall be in such form and manner as the Attorney-General may determine.

References of Matter for Opinion of the Attorney-General.

17. All Government Ministries, Departments, Commissions, Boards and State Corporations shall seek the opinion of the Attorney-General on any matter raising substantial legal or constitutional issues.

Ministries to Notify the Attorney-General.

18. All Government Ministries and Departments shall notify the Attorney-General of all material litigation within three days of receiving court process.

PART IV

APPOINTMENT AND TERMS AND CONDITIONS OF SERVICE.

Legal Officer.

- 19. (1) The Attorney-General may, with and on the recommendation of the Civil Service Commission and approval of the Governor, appoint such number of Legal Officers under his Office as may be necessary for the proper and efficient discharge of the functions of the Office.
 - (2) A person qualifies for appointment as a Legal Officer under subsection (1) if such person:-
 - (a) is an Advocate of the Supreme Court of Nigeria; and
 - (b) is a fit and proper person with due regard to the discharge of his or her duties under this Law.
 - (3) The Attorney-General shall comply with the values and principles under the Legal Practitioners Act in the appointment of Legal Officer.
 - (4) The Attorney-General shall cause to be published in the Gazette, the names of all persons appointed as Legal Officers under subsection (1).
 - (5) The Attorney-General may deploy a Legal Officer appointed under subsection (1) to any Ministry.
 - (6) The Legal Officer appointed under subjection (1) shall perform such functions as may be assigned by the Attorney-General.
 - (7) A person shall not act as a Legal Officer unless that person has been appointed as such under subjection (1).
 - (8) For the avoidance of doubt, nothing in this Law shall entitle any Officer who is not qualified in law to perform legal functions in the Civil Service.

Terms and Conditions of Service.

- 20. (1) The Legal Officer appointed under this Law shall serve on such terms as the Attorney-General may, on the advice of the Salaries and Wages Commission and Civil Service Commission determine;
 - (2) In determining the salaries and wages of the legal Officer appointed under this Law, recourse shall be had to the full implementation of Ekiti State Legal Officers (Harmonisation) Law, 2000.

Secondment.

21. The Office of the Attorney-General may, upon request, second any Legal Officer to any Ministry, Agency, Corporation, Boards, Parastatals, Organizations or Institutions on such terms and conditions as the Office may, in consultation with the office to which the Officer is being seconded, agreed upon.

Code of Conduct.

- 22. (1) A Legal Officer appointed under Section 19 (1) shall subscribe to and observe the Code of Conduct set out in the Schedule.
 - (2) The Attorney-General may from time to time amend the Schedule.
 - (3) A Legal Officer who breaches the Code of Ethics shall be liable to disciplinary action.

Other Staff.

- 23. (1) There shall be such Officers and other members of staff of the Office as the Attorney-General considers necessary for the proper and efficient discharge of the functions of the Office.
 - (2) The Attorney-General may procure the services of such other persons as may be reasonably necessary for the purpose of assisting the Attorney-General in the performance of the functions of the Attorney-General.
 - (3) The composition of the staff of the Office shall reflect the -
 - (a) regional and ethnic diversity of the people of Ekiti State;
 - (b) gender equality;
 - (4) The Attorney-General shall ensure that in the appointment of staff, person with disabilities are taken into account.

PART V MISCELLANEOUS PROVISIONS.

Prohibition of Unauthorised Disclosure of Information.

- Without prejudice to the provisions of any other written law, an officer or member of staff of the Office shall not disclose or use any information gained by the Officer or member of staff otherwise than in the course of the official duties of the Officer or member of staff or with the authority of the Attorney-General.
 - (2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand Naira, or to imprisonment for a term not exceeding two years, or to both.

Depository of Laws and Agreements.

25. The Attorney–General's Office shall be the depository of all Laws, Local, National and International documents, Agreements and Memoranda of Understanding signed for or on behalf of the State Government.

Accessibility.

26. The Attorney-General is entitled to have access to persons, relevant records, documents and property pertaining to a civil or criminal case, in the performance of the duties of the Attorney-General.

Facilities.

27. The Government shall provide adequate facilities for the efficient functioning of the Office.

Annual Report.

- **28.** (1) The Attorney-General shall, as soon as practicable after 28th day of January in each year, prepare and furnish to the Governor a report of the operations of the Office during the year that ended.
 - (2) The report prepared under subsection (1), shall in respect of the year to which it relates, contain:-
 - (a) the financial statement of the Office;
 - (b) a description of the activities of the Office; and
 - (c) such other information relating to its functions that the Office may consider necessary.
 - (3) The Attorney-General shall cause a copy of the report furnished under subsection (1) to be laid before the House of Assembly within fifteen days after the day on which the Government receives the report.

Regulations.

29. The Attorney-General may make regulations, not inconsistent with the Law, prescribing all matters required or permitted to be prescribed, or necessary or convenient to be prescribed or carrying out or giving effect to this Law.

Savings.

30. A person who immediately before the coming into force of this Law was the Solicitor-General, a Legal Officer or a member of staff of the Office shall continue to be a Solicitor-General, a Legal Officer or a member of Staff of the Office as if that person has been appointed under this Law.

Repeal.

31. The office of the Solicitor General and Permanent Secretary (Appointment of Persons) Law No. 2 of 2018 is hereby repealed.

Interpretations.

- 32. In this Law, unless the context otherwise requires
 - "Attorney-General" means the Attorney-General & Commissioner for Justice of Ekiti State appointed in line with the provisions of Section 195 of the 1999 Constitution of the FRN (as amended);
 - "Government" means the Government of Ekiti State;
 - "Legal Officer" means a person appointed as such under Section 19;
 - "Ministry" means a government establishment other than Extra-Ministerial Office/Department in the State;
 - "Office" means the Office of Attorney-General, Ekiti State or Ministry of Justice of Ekiti State;
 - "Solicitor-General" means the Solicitor-General & Permanent Secretary appointed pursuant to the provisions of Section 9 of this Law;
 - "Subordinate Officer" means a Legal Officer, para-legal officers or any other member of staff employed by the Civil Service Commission under this Law and discharging his or her duties in the Office.

Citation.

33. This Law may be cited as the Ekiti State Office of the Attorney-General's Law, 2021.

SCHEDULE [S. 19(1)] CODE OF CONDUCT.

Ethical Values and Principles.

Application.

- 1. (a) This Code of Ethics shall apply to all Legal Officers.
 - (b) This Code of Ethics shall be supplementary to the Ekiti State Public Service Rules and The Rules of Professional Conduct for Legal Practitioners, 2007.

Loyalty and Dedication.

2. A Legal Officer shall perform the functions of the Office with complete loyalty and dedication and shall not indulge in any activity that may jeopardize the interest of the State.

Responsibility.

3. A Legal Officer shall ensure that his personal conduct is consistent with the dignity, image and integrity of his Office.

Honesty.

4. A Legal Officer shall act honestly in the Performance of his duties and functions.

Competence.

- **5.** A Legal Officer shall:
 - (a) Perform his functions and discharge duties of the Office in a competent manner.
 - (b) handle matters without undue delay, risk or unnecessary expenses to the Government.

Quality of Service.

6. A Legal Officer has a duty to serve the Government and the Public in a conscientious, diligent and efficient manner in order to provide quality service.

Fairness and Diligence.

7. A Legal Officer shall not make an official decision without first giving due consideration to the matter at hand and the impact it is likely to have on the rights and interests of the people involved.

Confidentiality.

8. A Legal Officer has a duty to hold in strict confidence all information concerning the business and affairs of the Government and the public generally

where the information is acquired by virtue and except where the disclosure is expressly authorized by the Attorney-general, or required by law.

Integrity.

- **9.** A Legal Officer shall: -
 - (a) not be influenced in any manner whatsoever by any individual or body of individuals in the discharge of his official duties;
 - (b) discharge the duties of his Office with integrity;
 - (c) respect and comply with this Law and any written law and shall conduct himself both in private and official capacities in a manner that promotes public confidence, the integrity of the Civil Service, Office of the Attorney-General and the legal profession;
 - (d) not allow outside interest compromise or in any way jeopardize the integrity of the legal professional, independence or competence;
 - (e) at all times observe a standard of conduct that reflects credit on the legal profession and the public service and administration of justice generally; and
 - (f) desist from conduct capable of drawing an impression of being involved in corruption.

Selflessness.

10. A Legal Officer shall take decisions solely in the interest of the state and justice and not on any other factors.

Transparency.

11. The decisions and actions of a Legal Officer shall be made in a transparent manner and the Legal Officer shall provide reasons for his decisions.

Leadership.

- 12. A Legal Officer shall: -
 - (a) at all times display high moral values and conduct himself in a manner that reflects credibility in the Office;
 - (b) abide by the spirit and letter of the law; and
 - (c) adhere to the ethical standards expressed in this Schedule.

Rules of Law and Administration of Justice

- **13.** A Legal Officer has: -
 - (a) a duty to promote respect for the rule of law and administration of justice;

- (b) a duty to treat the court with candour, courtesy and respect and shall not attempt to influence court decisions by use of deceptive or reprehensible methods;
- (c) a duty to deal with other Lawyers fairly, courteously and in good faith; and
- (d) a duty to uphold the integrity and reputation of the legal profession and promoting principles of fairness, justice and honesty.

Appropriate Presentation and Attire.

14. A Legal Officer shall at all time in and outside the place of work appear in smart, proper and decent dress and behave in a manner befitting both the public service and the legal profession.

Personal Conduct.

- **15.** (a) A Legal Officer, shall comply with and execute laws, uphold the administration of justice and protect the integrity of public life.
 - (b) A Legal Officer entrusted with the responsibility to serve the State shall:
 - (i) refrain from indulging in habits and behaviour that infringe upon the performance of official duties or tarnish the image of the Office:
 - (ii) maintain the dignity and decorum of the Office;
 - (iii) not use Government resources for personal purposes and benefits;
 - (iv) be liable for unlawful and improper behaviour or the nonperformance of his duties;
 - (v) not to or direct to be done, in abuse of his office or power, any act prejudicial to the rights of another person knowing that such act is unlawful or contrary to Government policy;
 - (vi) maintain transparency in the policies of the Office and in his decisions and actions;
 - (vii) not knowingly mislead the Government on any matter of significance arising from his functions;
 - (viii) not maintain or operate a bank account in any country outside Nigeria.
 - (ix) not provide information which is detrimental to the interest, territorial integrity and sovereignty of Nigeria and Ekiti State;.
 - (x) protect and hold professionalism, render decisions based on merit, and shall prohibit all forms of discrimination; and
 - (xi) not accept any gifts, presents or benefits save as provided under the Public Service Rules.

Conflict of Interest.

- **16.** (a) A Legal Officer shall ensure that no conflict arises or appears to arise between his official duties and his private interests.
 - (b) A Legal Officer shall not: -
 - (i) appear, advise or represent any party against the Government; and
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 All Andrews Andrews Land Andrews A be a member of, belong to, or take part in any society the (ii)membership of which is incompatible with the functions or