

ACT 32**LEGAL PROFESSION ACT, 1960**

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ACT 32

LEGAL PROFESSION ACT, 1960¹

AN ACT to consolidate and amend the law relating to the legal profession.

Organisation of the Profession

1. The General Legal Council

(1) The General Legal Council, as established and in existence before the commencement of this Act is responsible for the legal profession and, in particular,

- (a) for the organisation of legal education, and
- (b) for upholding standards of professional conduct.

(2) The constitution of the Council is set out in the First Schedule.

(3) The Council may hold land and any other property and do any other thing as appears to the Council to be required for the purposes of performing its functions.

(4) The Council shall appoint a director of legal education, and any other officers it may require, and in the case of officers required for the purposes of legal education the appointments shall be made on the recommendations of the director of legal education.

2. Status of lawyers

A person whose name is entered on the Roll kept under section 6

- (a) is entitled, subject to section 8, to practise as a lawyer, whether as a barrister or solicitor or both, and to sue for and recover the fees, charges and disbursements for services rendered as a lawyer, and
- (b) is an officer of the Courts, and
- (c) is subject, when acting as a lawyer, to the liabilities that attach by law to a solicitor.

3. Qualifications for enrolment

(1) A person is qualified for enrolment if that person satisfies the Council in respect of

- (a) good character, and
- (b) the holding of a qualifying certificate granted under section 13 by the Council.

(2) A person may be enrolled by the Council, if the Council is satisfied

- (a) as to the good character of that person,
- (b) as to the qualification to practise in a country having a sufficiently analogous system of law and that the qualifications render that person suitable for enrolment, and

1. The Act was assented to on 12th January, 1961.

- (c) that the conditions prescribed by the Council in respect of the status or proficiency, have been complied with by that person.

(3) A citizen is qualified for enrolment if the citizen satisfies the Council that the citizen

- (a) is of good character, and
(b) is qualified to practise law in a country having a sufficiently analogous system of law.²

(4) Despite any other provision of this Act, a person shall not be enrolled under subsection (3) unless that person has satisfactorily completed a course of lectures in customary law and in any other subjects prescribed by the Council of not less than three months' duration at a school of law or any other place of instruction specified by the Council.³

4. Conditions for enrolment

With effect from the first day of January, 1971, a person is not qualified for enrolment under a provision of this Act unless that person is the holder of a degree from a university approved by the Council.⁴

5. Evidence of qualification abroad

A citizen may, for the purposes of sections 3 and 4 be accepted as qualified to practise in a particular country if the citizen has satisfied the educational tests required for admission to practise in that country although the citizen may not in fact have been so admitted to practise.

6. The Roll of Lawyers

(1) The Roll of the Supreme Court formerly known as the Roll of Legal Practitioners shall be known as the Roll of Lawyers and shall be kept by the Judicial Secretary.

(2) A person applying for enrolment shall deposit in the office of the Judicial Secretary for custody

- (a) an affidavit of identity in a form approved by the Council, and
(b) a duly authenticated copy of the qualifying certificate granted by the Council or, in the case of a person not holding that certificate, any other prescribed document,

but the Council may, on special grounds, and on the terms that it thinks reasonable, exempt a person from complying with the formalities prescribed by this subsection absolutely or for a specified period.

2. Inserted by section 1 of the Legal Profession (Amendment) Decree, 1967 (N.L.C.D. 143).

3. Inserted by paragraph (a) of the Legal Profession Act (Amendment) (No. 2) Decree, 1967 (N.L.C.D. 213).

4. Section 4 was first substituted by paragraph (a) of the Legal Profession (Amendment) Act, 1963 (Act 166). It was repealed by section 2 of the Legal Profession (Amendment) Act, 1967 (N.L.C.D. 143). The present provision was inserted by paragraph (b) of the Legal Profession Act (Amendment) (No. 2) Act, 1967 (N.L.C.D. 213).

(3) The Rules may require that a person who does not hold a qualifying certificate issued by the Council under subsection (3) of section 13 shall before enrolment pay to the Council a fee and may provide for exempting persons from payment of the fee.

(4) A person may, on payment of the fee appointed by the Council, obtain from the Judicial Secretary a certificate of enrolment.

(5) A stamp duty is not payable on enrolment.⁵

7. Call to the Bar

The Council shall from time to time hold formal meetings at which duly qualified applicants shall be enrolled and called to the Bar, but the Council may dispense with the formalities under this section in a particular case.

8. Practising certificate

(1) A person, other than the Attorney-General, or an officer of Attorney-General's department, shall not practise as a solicitor unless that person has in respect of that practice a valid annual solicitor's licence issued by the Council duly stamped and in the form set out in the Second Schedule.

(2) A person shall not be issued with a solicitor's licence unless that person has been previously enrolled as a lawyer under section 3.

(3) A person who has not previously been entitled to practise as a solicitor in the Republic and who does not hold a qualifying certificate but has, after qualification, attended and satisfactorily completed a post final professional qualifying course approved by the Council, shall not be issued with a solicitor's licence unless that person satisfies the Council that since qualifying as a lawyer, that person has read for a period of not less than six months in the chambers of another lawyer of not less than seven years' standing approved by the Council.

(4) A person who holds a qualifying certificate and who has been enrolled as a lawyer under section 3 may be issued with a solicitor's licence, but that person is not entitled to establish an office as a solicitor unless the Council is satisfied that that person has read for a period of not less than six months in the chambers of another lawyer of not less than seven years' standing approved by the Council.

(5) The Council may, before issuing a solicitor's licence to a person, require that person to produce evidence specified by the Council showing that that person has not been found guilty of professional misconduct in the Republic or in any other country.

(6) A person who practices in contravention of this section commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units and shall not

5. Amended by the Legal Profession (Amendment) Act, 1964 (Act 226) by the addition of a proviso to subsection (3). The proviso was repealed by the Legal Profession (Amendment) Act, 1966 (N.L.C.D. 20).

maintain an action for the recovery of fees, reward or disbursement on account of, or in relation to, an act or proceeding done or taken in the course of that practice.⁶

9. Penalty for unlawful practice

(1) Where a person who is not enrolled practices as a lawyer or prepares a document for reward, directly or indirectly to be used in or concerning a cause or matter before a Court or tribunal, that person commits an offence and is liable on first conviction to a fine not exceeding one hundred penalty units and for a subsequent offence, to a term of imprisonment not exceeding six months, or to a fine not exceeding two hundred penalty units or to both the fine and the imprisonment.

(2) Where a person who is not enrolled wilfully pretends to be, or takes or uses a name or title or description implying a qualification or recognition to act as a lawyer or barrister or solicitor, that person commits an offence and is liable to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

10. Military advocates

Despite anything in this Act, a military advocate may appear in a Court on behalf of a member of the Armed Forces charged with an offence, and when so appearing sections 8 and 9 shall not apply to that advocate.

11. Government grants

The Minister responsible for Finance may, out of moneys provided by Parliament, make to the Council the grants towards expenditure incurred by the Council that the Minister thinks fit and shall, so far as practicable, arrange for the Council to be informed not less than twelve months in advance of the amount of the grants which the Minister proposes to make in a year.

12. Accounts

(1) The Council shall keep accounts in the form approved by the Accountant-General and shall, not later than the 31st day of March in each year, prepare a statement of revenue and expenditure estimated for the next financial year.

(2) The Council shall prepare not later than the end of a calendar year a financial statement covering the previous financial year in the form approved by the Auditor-General.

(3) The statement prepared by the Council under subsection (2) shall be submitted for audit by the Auditor-General who shall present it when audited, together with the report on the statement to Parliament not later than the 31st day of March in the financial year following that to which the statement relates.

6. Amended by section 2 of the Legal Profession (Amendment) Act, 1964 (Act 226). Section 8 was substituted by section 3 of the Legal Profession (Amendment) Act, 1967 (N.L.C.D. 143). It also provided:

"Where immediately before the commencement of this Act any person had in force in respect of his practice a certificate to practise as a solicitor issued to him by the General Legal Council under section 8 of the principal enactment as it existed immediately before the commencement of this Act, that certificate shall, until it expires according to the date of expiry specified thereon, have effect as if it were Solicitor's Licence issued to that person by the Council under section 8 of the principal enactment as substituted by this Act.

The 1967 Act, was repealed by the Legal Profession (Amendment) Act, 1972 with the substitution of the present section 8."

*Legal Education***13. Arrangements for legal education**

- (1) The Council shall make arrangements
 - (a) for establishing a system of legal education,
 - (b) for selecting the subjects in which those seeking to qualify as lawyers are to be examined,
 - (c) for establishing courses of instruction for students and, generally, for affording opportunities for students to read and to obtain practical experience in the law,
 - (d) for regulating the admission of students to pursue courses of instruction leading to qualification as lawyers, and
 - (e) for holding examinations which may include preliminary and intermediate examinations as well as final qualifying examinations.

(2) The Council may carry out the arrangements in a manner that it thinks fit and, in particular, through a school of law set up by the Council or through any other educational institution.

(3) The Council shall issue a qualifying certificate to those who have satisfied the Council

- (a) as having attained the necessary standards of proficiency in the law,
- (b) as having obtained adequate practical experience in the law, and
- (c) as having otherwise qualified to practise as lawyers.

14. Regulations

The Council may, by legislative instrument, with the approval of the Minister make Regulations concerning matters of legal education and, in particular, concerning

- (a) the conduct of examinations, and the fees to be charged to those sitting for the examinations,
- (b) the admission to practise as a lawyer, and
- (c) the issue of diplomas to persons who have passed examinations held by the Council.

15. Declaration to Board of Legal Education

(1) The Council may delegate to the Board of Legal Education the immediate administration and supervision of legal education and any other functions of the Council.

- (2) The Board consists of
 - (a) the Chief Justice,
 - (b) the Attorney-General,
 - (c) a member of the Council nominated by the Chief Justice,
 - (d) two persons nominated by the Minister as being persons with wide experience both in the law and other fields, and
 - (e) the Director of Legal Education.

(3) The Council may with the approval of the Minister by order vary the constitution of the Board.

(4) The term of office of a person nominated under this section shall be determined by the person nominating the other person at the time of the nomination.

Discipline

16. Erasure from the Roll

(1) A lawyer who is found guilty of grave misconduct in a professional respect, including a conduct which, in pursuance of the Rules is treated as grave misconduct in a professional respect, is liable

- (a) to have the name of that lawyer struck off the Roll of Lawyers, or
- (b) to be prohibited from practising as a lawyer for a period specified in the order of suspension.

(2) Section 9 applies to a lawyer who is prohibited under subsection (1) from practising as it applies to a person who is not enrolled.

16A. Erasure on conviction of certain offences

(1) The Council may direct the Judicial Secretary to strike off the Roll of Lawyers, without holding a disciplinary enquiry, the name of a lawyer who is convicted of an offence involving dishonesty or moral turpitude, and the Judicial Secretary shall comply with the directive.

(2) The Judicial Secretary shall not strike off the name of a lawyer from the Roll of Lawyers under subsection (1) unless the period of appeal against the conviction has elapsed without the lodging of an appeal or the final disposition of the appeal or the appeal is withdrawn or abandoned.⁷

17. Disciplinary committee

(1) The Council shall appoint from among its members, from persons who hold or have held high judicial office or an equivalent office or are qualified to be appointed to that office, or former members of the council a disciplinary committee consisting of a number of persons, not less than three nor more than seven as the Council thinks fit.⁸

(2) The Council may remove a member from the disciplinary committee, but not while the member is hearing a disciplinary case, and fill a vacancy in the committee and, subject to the limit in subsection (1), increase the number of members of the disciplinary committee.

18. Reference to disciplinary committee

A complaint by a person relating to the conduct of a lawyer shall be referred to the disciplinary committee and, if it appears to the disciplinary committee that an inquiry ought to be held into the complaint, it shall proceed to hold the inquiry.

7. Inserted by paragraph (a) of the Legal Profession (Amendment) Act, 1969 (N.L.C.D. 338).

8. Substituted by paragraph (a) of the Legal Profession (Amendment) Act, 1979 (A.F.R.C.D. 53).

19. Rules of procedure

(1) The disciplinary committee may, by legislative instrument, make Rules as to the times and places of its meetings, the manner of summoning members, and the procedure to be followed and rules of evidence to be observed in an inquiry, and in particular,

- (a) for securing that a party to the inquiry, if that party so requires, is entitled to be heard by the committee,
- (b) for enabling a party to the inquiry to be represented by a lawyer,
- (c) for allowances payable to witnesses of their expenses subject to the prescribed limits, and
- (d) for prescribing the number of members to hold an inquiry in a disciplinary case, and the cases in which their decision must be unanimous.

(2) The disciplinary committee shall have the powers of the High Court to summon witness, and to call for the production of documents, and to examine witnesses and parties concerned on oath.

(3) The oaths may be administered for by a member of the disciplinary committee.

(4) A person summoned to attend and give evidence, or to produce documents, at a sitting of the disciplinary committee under this Act shall obey the summons to attend as fully as a witness is bound to obey a subpoena issued from the High Court.

(5) A person who fails without reasonable excuse, to attend at the time and place mentioned in the summons served on that person, or withdrawing without the permission of the disciplinary committee, or refusing without reasonable excuse to answer a question put in the course of the inquiry, or to produce a document which that person has been required to produce, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units.

(6) A person giving evidence in an inquiry under this Act shall not be compelled to answer a question which incriminates that person, and is entitled, in respect of the evidence so given, to the privileges to which a witness giving evidence before the High Court is entitled.

(7) A person who at a sitting of the disciplinary committee wilfully insults a member of the disciplinary committee, or an officer of the disciplinary committee, or wilfully interrupts the proceedings of the disciplinary committee commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding one year, or to both the fine and the imprisonment.

(8) For the purposes of the law relating to the offence of perjury the disciplinary committee holding an inquiry under this Act is a Court.

20. Decision of disciplinary committee

(1) After holding an inquiry into a disciplinary case, the disciplinary committee shall decide whether the allegations enquired into are proved and if it decides that the allegations are proved it may direct the taking of the disciplinary measures that are specified in section 16 and make an order as to costs.

(2) The disciplinary committee may postpone indefinitely or for a specified period the making of its decision whether to take the disciplinary measures.

21. Right of appeal

Where the disciplinary committee on the conclusion of an inquiry into a disciplinary case directs the taking of disciplinary measures or postpones its decision under section 20, the lawyer into whose conduct the inquiry was made or the complaint may, within twenty-one days from the date on which the decision of the disciplinary committee is communicated by the committee, appeal to the Court of Appeal,

- (a) on a question of law, or
- (b) on a question of fact with the leave of the disciplinary committee or of the Court.⁹

22. Striking off the Roll

The Judicial Secretary shall not strike off the name of a lawyer from the Roll in pursuance of a decision of the disciplinary committee until the period of twenty-one days under section 21, has expired and until the Judicial Secretary has ascertained that an appeal has not been brought under that section or that the appeal has been disposed of.

23. Rules of professional conduct

The Council may prescribe standards of professional etiquette and professional conduct for lawyers, and may by Rules made for this purpose direct that a specified breach of the Rules constitutes, for the purposes of this Act, a grave misconduct in a professional respect.

24. Restoration of name to the Roll

(1) Subject to this section, where the name of a lawyer is struck off the Roll in consequence of a decision in a disciplinary case or in consequence of a direction by the Council under section 16A, the name shall not again be entered on the Roll except by the direction of the Council, but the Council may direct that the name be restored to the Roll.¹⁰

(2) The power of the Council to restore to the Roll the name of a lawyer whose name has been struck off the Roll may be exercised although the decision ordering the name to be struck off the Roll was taken before the passing of this Act.

25. Review of prohibition on practising

Where the disciplinary committee directs the prohibition from practicing of a lawyer it may at any time review the decision and direct the withdrawal of the prohibition.

*Employment of Lawyers***26. Change of lawyers during hearing of a case**

(1) A party appearing by a lawyer in a case is at liberty to change that lawyer without an order for that purpose on notice of the change being filed in the office of the registrar of the Court.

(2) Until the notice is filed and a copy of the notice is duly served, the former lawyer shall be considered as appearing for the party until final judgment, unless allowed by the Court for a special reason to cease from acting in that case.

(3) The former lawyer is not bound, except under express agreement or unless re-engaged, to take proceedings in relation to an appeal from the judgment.

9. Substituted by paragraph (b) of the Legal Profession (Amendment) Decree, 1979 (A.F.R.C.D. 53).

10. Amended by paragraph (b) of the Legal Profession Act (Amendment) Decree, 1969 (N.L.C.D. 338).

27. Liability to pay costs

(1) Where it appears to the Court that a case has been commenced or carried on maliciously or without probable grounds, and the party by or on whose behalf it has been commenced or carried on has been represented by a lawyer, or where it appears that a lawyer has by a deceit induced the client to enter into or continue a litigation, the lawyer is liable on failure of the client to pay the costs which the client may be ordered to pay, to pay the amount of the costs to the party to whom costs are given.

(2) For the purposes of subsection (1), a process of execution takes place where the client has refused or neglected to make payment after a demand has been made, although a process of execution may not have been used against the client.

(3) This section does not restrict the liability of a lawyer in respect of the misconduct referred to in subsection (1) or any other misconduct for which the lawyer would otherwise be punishable.

28. Costs recoverable

A lawyer is not entitled to request the costs in respect of proceedings beyond the amount applicable to the proceedings which is allowed by the authorised scale of fees or, in matters not included in the scale of fees, which the Court may allow on taxation, having regard to the skill, labour and responsibility involved.

29. Void agreements

(1) An agreement intended to secure to a lawyer a remuneration, or to constitute the conditions of employment other than authorised by this Act is void.

(2) A lawyer who enters into an agreement, or receives a larger amount than authorised, directly or indirectly, through any other person, for the use or benefit of that lawyer in contravention of subsection (1), shall refund the whole amount of the overcharge, and is liable to a fine which may extend to double the amount of the overcharge or to fifty penalty units.

*Recovery of Fees***30. Bill of fees**

(1) A lawyer is not entitled to commence a suit for the recovery of fees for a business done as a barrister or solicitor until the expiration of one month after the lawyer has served on the party to be charged a bill of those fees.

(2) The bill shall be signed by the lawyer, or in the case of a partnership by a partner personally or in the name of the partnership, and shall be enclosed in or accompanied by a letter signed in like manner referring to the bill.

31. Application to tax bill

Where the party to be charged applies to the Court within the month referred to in section 30, the Court may refer the bill and the demand of the lawyer to be taxed and settled by the taxing officer of the Court.

32. Application not made within one month

Where an application is not made within the month referred to in section 30, a reference for taxation may be made on the application of the lawyer, with the directions and subject to the conditions that the Court making the reference thinks proper, and the Court may restrain the lawyer from commencing a suit for the recovery of fees, pending the reference on the terms that the Court thinks proper.

33. Conditions for reference

A reference shall not be directed on an application made by the party to be charged after judgment has been obtained in a suit for the recovery of the fees of the lawyer or after expiration of twelve months after the bill has been served except under special circumstances to be proved to the satisfaction of the Court to which the application for the reference is made.

34. Non-attendance of party at taxation

On a reference, where the lawyer or the party to be charged, having due notice, refuses or neglects to attend the taxation, the taxing officer may proceed to tax and settle the bill *ex parte*.

35. Costs of taxation

Where on a reference the party to be charged attends on taxation, the cost of the reference shall, subject to section 36 be paid according to the event of the taxation: that is to say, if the bill when taxed is less by a sixth part than the bill served, the lawyer shall pay the costs; otherwise, the party to be charged shall pay the costs.

36. Form of order to be made

(1) An order for a reference shall direct the taxing officer to certify what is found to be due to or from the lawyer in respect of the bill, including the costs of the reference.

(2) The taxing officer may certify especially the circumstances relating to the bill or reference and the Court may make an appropriate order respecting the costs of the reference.

(3) Where a reference is made under section 33, the Court may give special directions relative to the costs of the reference.

37. Proof of compliance with Act

A lawyer in proving a compliance with the provisions relating to recovery of fees need not, in the first instance, prove the contents of the bill served; it is sufficient to prove that a bill for fees signed in the manner provided or enclosed in or accompanied by the letter as provided was duly served.

38. Completion of taxation

(1) On the completion of the taxation of the bill, the taxing officer shall submit for the approval of the Court the result of the taxation, including costs, and subject to review, the amount approved by the Court is final and conclusive as to the amount of the bill and costs.

(2) The Court may review an approval on the application of a party made within twenty-one days of the approval, and the Court may order the entry of the judgment for the amount approved, unless the retainer is disputed, or make an appropriate order.

39. Delivery of bill

The Court may make an order for the delivery by a lawyer of a bill of fees for business done by the lawyer; and the Court has the necessary powers for enforcing the delivery up by a lawyer of the deeds, documents, or things in the possession, custody or power of the lawyer.

40. Suit for recovery of fees

The Court may authorise a lawyer to commence a suit for the recovery of fees against the party to be charged, and may refer the bill of fees to be taxed and settled by the taxing officer of the Court, although one month may not have expired from the delivery of the bill, on proof to the satisfaction of the Court that there is probable cause for believing that the party chargeable is about to leave the Republic, or to become insolvent, or to take any other steps or to do any other act which in the opinion of the Court would tend to defeat or delay the lawyer in obtaining judgment.

41. Applications to be by motion

Applications made under this Act to refer a bill to be taxed and settled or for the delivery of deeds, documents or things shall be made by motion in the matter of the lawyer concerned.

42. Representative and assignees of lawyers

Sections 30 to 41 apply to the executor, administrator and assignee of a lawyer in respect of business done by the lawyer.

Preparation of Legal Documents by Unauthorised Persons

43. Endorsement on documents

(1) A person who draws or prepares a legal document for reward shall endorse or cause to be endorsed on the document the name and address of that person.

(2) A person omitting so to do commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units.

44. Preparation of legal documents

(1) A person who is not a lawyer shall not directly or indirectly for or in expectation of a fee, gain or reward draw or prepare a legal document.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred penalty units.

45. Void agreement to pay fee or reward

(1) An agreement to pay a fee or reward to a person, other than a lawyer, in consideration of the drawing or preparation of a legal document is void.

(2) A person who pays to a person, other than a lawyer, a fee or reward for having drawn or prepared or agreed to draw or prepare a legal document, may sue for and recover the amount of the fee or reward from the person to whom it was paid.

46. Savings for public officers and engrossing

Sections 43, 44, and 45 do not apply to a public officer drawing or preparing a legal document in the course of duty nor to the mere engrossing of a document.

47. Power to exempt any class of document

The Minister may, by legislative instrument, exempt a class of document specified in the instrument from sections 43, 44, 45 and 46.

*Keeping of Accounts***48. Rules by the Council**

(1) The Council may, by legislative instrument, make Rules requiring lawyers

- (a) to open and keep separate bank accounts of clients' moneys, and
- (b) to keep accounts containing particulars and information regarding moneys received, held or paid by them, for or on account of their clients.

(2) The Council may take the action and make the Rules that are necessary to enable the Council to ascertain whether or not the Rules are being complied with.

49. Failure to comply with Rules

(1) Where a person fails to comply with any of the Rules made under section 48, any other person may make a complaint in respect of that failure to the disciplinary committee.

(2) Sections 16 to 25 apply in relation to complaints under this section as they apply in relation to an application to the disciplinary committee.

50. Full-time employees of Government

The Rules made under section 48 shall not apply to a person who is in full-time employment as an officer of the Government or of a local authority or a consultant to an incorporated body.

51. Part-time practitioners

Where a person is employed as an officer of the Government or of a local authority or as a consultant to an incorporated body and at the same time engages in private practice as a lawyer, the Rules made under section 48 shall apply to that person in respect only of the moneys received, held or paid by that person in the course of the private practice.

52. Relief to banks

(1) Subject to this section, a bank shall not, in connection with a transaction on an account of a lawyer kept with it or with any other bank, other than an account kept by a lawyer as a trustee for a specified beneficiary, incur a liability or be under an obligation to make an enquiry or be deemed to have knowledge of the right of a person to the moneys paid or credited to an account which it would not incur or be under or be deemed to have in the case of an account kept by a person entitled absolutely to the moneys paid or credited to it.

(2) Subsection (1) does not relieve a bank from a liability or an obligation under any other enactment.

(3) Despite subsection (1), a bank at which a lawyer keeps an account for clients' moneys shall not, in respect of a liability of the lawyer to the bank, which is not a liability in connection with that account, have or obtain a recourse or right, whether by way of set off, counterclaim, charge, or otherwise, against moneys standing to the credit of that account.

(4) Subsection (3) shall not deprive a bank of a right existing at the time when the Rules made under section 48 came into operation.

*Miscellaneous***53. Provisions as to Rules**

(1) Subject to subsection (2), the Council may, by legislative instrument, make Rules in relation to a matter referred to in this Act as prescribed.

(2) Rules for the purposes of section 3, 6 or 8 shall not be made except with the approval of the Minister.

(3) A legislative instrument under this Act is subject to clause (7) of article 11 of the Constitution.

54. Repeals

The enactments referred to in the Third Schedule to this Act are hereby repealed.

55. Continuance of Rules and Regulations

Rules and Regulations made under a provision of the Legal Practitioners Act, 1958,¹¹ and in force immediately before the commencement of this Act shall continue in force and shall be deemed to have been made under the corresponding provision of this Act.

56. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means the Board of Legal Education;

“**citizen**” means a citizen of Ghana;

“**Council**” means the General Legal Council;

11. No. 22.

“**Court**” means a court of competent jurisdiction;

“**enrolment**” means the entry of a name in the Roll of Lawyers;

“**fees**” includes charges and disbursements;

“**lawyer**”, for the purposes of the recovery of fees, includes a person enrolled at the time the relevant business was done; and, for the purposes of the preparation of legal documents, does not include a lawyer for the time being suspended from practice;

“**legal document**” means a document, other than a will, conferring, transferring, limiting, charging or extinguishing, or purporting to confer, transfer, limit, charge or extinguish a right, title or an interest in property, movable or immovable, or a document, including a letter indicating that legal proceedings may be brought against the person to whom it is addressed or any other person;

“**military advocate**” means a commissioned officer of the Armed Forces who is certified by the Chief Justice as qualified to practise in a country other than the Republic;

“**Minister**” means the Minister to whom functions under this Act are assigned by the President;

“**practise**”, in relation to a country other than the Republic, means practise as a barrister, solicitor or advocate or in a like capacity, by whatever name called;

“**Rules**” mean the Rules made by the General Legal Council.

57. Commencement

*Spent.*¹²

12. The section provided for the 1st day of January, 1961 as the date for the coming into operation of this Act.

SCHEDULES

FIRST SCHEDULE

[Section 1]

Constitution of the General Legal Council

1. (1) The General Legal Council is a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Council is not, as a body corporate, subject to a disability with regards to the holding of land to which an individual is not subject.

2. (1) Subject to this paragraph, the governing body of the Council consists of the chairman, the deputy chairman and

- (a) the two most senior Justices of the Supreme Court after the chairman and the deputy chairman referred to in subparagraph (2),
- (b) the Attorney-General,
- (c) the Head of the Faculty of Law at the University of Ghana,
- (d) three persons nominated by the Minister,
- (e) four members of the Bar elected by the Ghana Bar Association.¹³

(2) The Chief Justice is the chairman and the deputy chairman is the most senior of the other Justices of the Supreme Court.

(3) *Spent.*¹⁴

(4) The term of office of a nominated member of the governing body and the conditions under which that member may be removed are as provided by Rules under this Schedule or, if the Rules have not been made, as may be determined by the person nominating that member at the time of the nomination.

3. (1) Decisions of the governing body may be taken by a majority of those present at a meeting of that body, and the quorum at a meeting is five of whom one is the chairman or the deputy chairman.¹⁵

(2) Subject to the Rules made under this Schedule, the governing body shall meet not less than twice in a year at the times and places directed by the chairman of the Council.

(3) *Deleted.*¹⁶

(4) The Council may appoint committees, in addition to the disciplinary committee, and delegate to a committee any of the Council's functions other than a function relating to discipline.

13. Amended by paragraph (b) (ii) of the Legal Profession (Amendment) Act, 1963 and substituted by section 3 of the Legal Profession (Amendment) Act, 1964 (Act 226).

14. In view of the amendment effected by the enactments specified in note 2.

15. Substituted by paragraph (c) of the Legal Profession Act (Amendment) (No. 2), 1967 (N.L.C.D. 213).

16. Deleted by subparagraph (ii) of paragraph (b) of the Legal Profession (Amendment) Act, 1963 (Act 166). The provision reads:

"The Secretary of the Council shall be a person appointed by the Council."

(5) The Council may make Rules governing its proceedings and in respect of a matter to be provided under this Schedule.

SECOND SCHEDULE

[Section 8]

Practising Certificate

SOLICITOR'S LICENCE¹⁷

PURSUANT to the Legal Profession Act, 1960, a licence is hereby granted to
..... Esquire, whose name is duly enrolled on the Roll of
Lawyers to practise as a solicitor in the year ending on the 31st day of December, 20 on this
licence being duly stamped.

Dated this day of, 20

THIRD SCHEDULE

Repeals

[Section 54]

- The Legal Practitioners Ordinance (Cap. 8);
 - The Military Advocates Ordinance (Cap. 57);
 - The Legal Practitioners Act, 1958 (No. 22); and
 - The Legal Practitioners (Amendment) Act, 1958 (No. 53).
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17. Substituted by paragraph 4 of the Legal Profession (Amendment) Act, 1967 (N.L.C.D. 143).