

LEGAL PROFESSION ACT, 1960 (ACT 32)

As amended by

THE LEGAL PROFESSION (AMENDMENT) ACT, 1963 (ACT 116)1.

THE LEGAL PROFESSION (AMENDMENT) ACT, 1964 (ACT 226)2.

LEGAL PROFESSION (AMENDMENT) DECREE, 1966 (NLCD 20)3.

LEGAL PROFESSION (AMENDMENT) DECREE, 1967 (NLCD 143)4.

LEGAL PROFESSION (AMENDMENT) (NO. 2) DECREE, 1967 (NLCD 213)5.

LEGAL PROFESSION (AMENDMENT) DECREE, 1967 (NLCD 338)6.

LEGAL PROFESSION (AMENDMENT) DECREE, 1967 (NRCD 88)7.

LEGAL PROFESSION (AMENDMENT) DECREE, 1967 (AFRCD 53)8.

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THE THIRTY-SECOND

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE LEGAL PROFESSION ACT, 1960

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

DATE OF ASSENT: 12th January, 1961

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—ORGANISATION OF THE PROFESSION

Section 1—The General Legal Council.

(1) There shall continue to be a body, to be called the General Legal Council, which shall be concerned with the legal profession and, in particular:—

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

(2) The constitution of the Council shall be as set out in the First Schedule to this Act.

(3) The Council may hold land and other property and do all such other things as may appear to them to be required for the purpose of performing their functions.

(4) The Council shall appoint a Director of Legal Education, and such other officers as they may require, and in the case of officers required for the purposes of Part II of this Act the appointments shall be made on the recommendation of the Director of Legal Education.

(5) The Council shall in the performance of their functions comply with any general directions given to them by the Minister.

Section 2—Status of Lawyers.

Every person whose name is entered on the Roll to be kept under this Part shall—

(a) subject to section 8 of this Act, be entitled to practise as a lawyer, whether as a barrister or solicitor or both, and to sue for and recover his fees, charges and disbursements for services rendered as such, and

(b) be an officer of the Courts, and

(c) when acting as a lawyer, be subject to all such liabilities as attach by law to a solicitor.

Section 3—Qualifications for Enrolment.

(1) A person shall be qualified for enrolment if he satisfies the General Legal Council—

(a) that he is of good character, and

(b) that he holds a qualifying certificate granted under Part II of this Act by the General Legal Council.

(2) A person may, at the discretion of the General Legal Council, be enrolled if he satisfies the Council—

(a) that he is of good character, and

(b) that he is qualified to practise in any country having a sufficiently analogous system of law and that his qualifications are such as to render him suitable for enrolment, and fulfils such conditions, whether as to status or proficiency, as may be prescribed.

(3) A person who is a citizen of Ghana shall be qualified for enrolment if he satisfies the General Legal Council—

(a) that he is of good character, and

(b) that he is qualified to practise law in any country having a sufficiently analogous system of law. [As Inserted by Legal Profession (Amendment) Decree 1967 (NLCD 143) s. 1].

(4) Notwithstanding any other provision of this Act a person shall not be enrolled under subsection (3) of this section unless and until he has satisfactorily completed a course of lectures in customary law and in such other subjects as the General Legal Council may prescribe of not less than three months' duration at a school of law or other place of instruction specified by the General Legal Council. [As Inserted by Legal Profession Act (Amendment) (No. 2) Decree, 1967 (NLCD 213) s. 1 (a)].

Section 4—Only Graduates of Approved Universities will be Enrolled as from 1971.

With effect from the first day of January, 1971 a person shall not be qualified for enrolment under any provision of this Act unless he is the holder of a degree from a university approved by the General Legal Council; and [As Inserted by Legal Profession Act (Amendment) (No. 2) Decree, 1967 (NLCD 213) s. 1 (b)].

Section 5—Evidence of Citizen's Qualification Abroad.

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

Section 6—The Roll of Lawyers.

(1) The Roll of the Supreme Court heretofore 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 therein—

(a) an affidavit of identity in a form approved by the General Legal Council, and

(b) a duly authenticated copy of his qualifying certificate granted by the General Legal Council or, in the case of a person not holding such a certificate, such other documents as may be prescribed, but the Council may, on special grounds, and on such terms as they think reasonable, exempt any person from complying with any formalities prescribed by this subsection either absolutely or for any specified period.

(3) Rules made by the General Legal Council may require that a person who does not hold a qualifying certificate issued by the Council under Part II of this Act shall before enrolment pay to the Council a fee not exceeding ₵100 and may provide for exempting persons from payment of the fee where the Council thinks fit.

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

(5) No stamp duty shall be payable on enrolment.

Section 7—Call to the Bar.

The General Legal 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 at their discretion dispense with the formalities under this section in any particular case.

Section 8—Solicitor's Licence.

(1) A person other than the Attorney-General or an officer of his department shall not practise as a solicitor unless he has in respect of such practice a valid annual licence issued by the General Legal Council to be known as "a Solicitor's Licence" duly stamped and in the form set out in the Second Schedule to this Act.

(2) No person shall be issued with a Solicitor's Licence unless he has been previously enrolled as a lawyer under section 3 of this Act.

(3) A person who has not previously been entitled to practise as a solicitor in Ghana 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 he satisfies the Council that he has, since qualifying as a lawyer, read for a period of not less than six months in the chambers of another lawyer of not less than seven years' standing as a lawyer 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 so however that no such person shall be entitled to establish his own office as a Solicitor unless the Council is satisfied that he has read for a period of not less than six months in the chambers of another lawyer of not less than seven years' standing as a lawyer approved by the Council.

(5) The Council may before issuing a Solicitor's Licence to any person require that person to produce such evidence as the Council may specify showing that he has not been found guilty of professional misconduct either in Ghana or in any other country.

(6) A person who practises in contravention of this section shall be liable on conviction to a fine not exceeding ₵200 and shall be incapable of maintaining any action for the recovery of any fee, reward or disbursement on account of or in relation to any act or proceeding done or taken by him in the course of such practice. [As Substituted by Legal Profession (Amendment) Decree, 1972 (NRCD 88) s. 1].

Section 9—Penalty for Unlawful Practice.

(1) If a person who is not enrolled practises as a lawyer or in any character whatsoever prepares any document for reward (either direct or indirect) to be used in or concerning any cause or matter before any court or tribunal he shall be liable on conviction to a fine not exceeding ₵50, and for an offence committed after a conviction under this subsection for an earlier offence, to imprisonment for a term not exceeding six months, or to a fine not exceeding ₵100 or to both.

(2) If a person who is not enrolled wilfully pretends to be, or takes or uses any name or title, or description implying that he is qualified or recognised as qualified to act as a lawyer or barrister or solicitor he shall be liable to a fine not exceeding ₵50 or to imprisonment for a term not exceeding six months or to both.

Section 10—Military Advocates.

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

Section 11—Government Grants.

The Minister responsible for finance may, out of monies provided by Parliament, make to the General Legal Council such grants towards expenditure incurred by them as he 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 he proposes to make to them in any year.

Section 12—Accounts.

(1) The Council shall keep accounts in the form directed 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 also prepare not later than the end of any calendar year a financial statement covering the previous financial year in a 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 his report thereon, to Parliament not later than the 31st day of March in the financial year following that to which the statement relates.

PART II—LEGAL EDUCATION

Section 13—Arrangements for Legal Education.

(1) It shall be the duty of the General Legal Council to 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 such manner as they think fit and, in particular, either through a school of law set up by them or through any other educational institution.

(3) The Council shall issue to those who have satisfied the Council that they have attained the necessary standards of proficiency in the law, that they have obtained adequate practical experience in the law and that they are otherwise qualified to practise as lawyers a certificate to that effect (hereinafter referred to as a "qualifying certificate").

Section 14—Power to Make Regulations.

The General Legal Council may, by legislative instrument, with the approval of the Minister make regulations concerning all matters connected with legal education and, in particular, concerning

(a) the conduct of examinations, and the fees to be charged to those sitting for the examinations,

(b) admission to practise as a lawyer, and

(c) the issue of diplomas to persons who have passed examinations held by them.

Section 15—Declaration to Board of Legal Education.

(1) There shall continue to be a Board of Legal Education to whom the General Legal Council may delegate the immediate administration and supervision of legal education and such other of their functions as the Council think fit.

(2) Subject to this section the Board shall consist of—

(a) the Chief Justice;

(b) the Attorney-General;

(c) a member of the General Legal 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;

(e) the Director of Legal Education.

(3) The General Legal Council may at any time 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 him at the time of his nomination.