

LEGAL PROFESSION ACT, 1960 (ACT 32)

As amended by

ARRANGEMENT OF SECTIONS

Section

PART I—ORGANISATION OF THE PROFESSION

1. The General Legal Council.
2. Status of Lawyers.
3. Qualifications for Enrolment.
4. Only Graduates of Approved Universities will be Enrolled as from 1971.
5. Evidence of Citizen's Qualification Abroad.
6. The Roll of Lawyers.
7. Call to the Bar.
8. Solicitor's Licence.
9. Penalty for Unlawful Practice.
10. Military Advocates.
11. Government Grants.
12. Accounts.

PART II—LEGAL EDUCATION

13. Arrangements for Legal Education.
14. Power to Make Regulations.
15. Delegation to Board of Legal Education.

PART III—DISCIPLINE

16. Erasure from Roll for Misconduct.
- 16A. Erasure from Roll on Conviction of Certain Offences.
17. Disciplinary Committee.
18. Reference of Disciplinary Cases to Disciplinary Committee.
19. Rules of Procedure, etc.
20. Decision of Disciplinary Committee.
21. Right of Appeal.
22. Striking off the Roll.
23. Rules of Professional Conduct.
24. Restoration of Name to the Roll.
25. Review of Prohibition on Practising.

PART IV—EMPLOYMENT OF LAWYERS

26. Change of Lawyers During Hearing of a Case.
27. Liability to Pay Costs.
28. Costs Recoverable.
29. Agreements Inconsistent with this Act to be Void.

PART V—RECOVERY OF FEES

30. Bill of Fees.
31. Application of Party Charged to Tax Bill.
32. Where no Application to Tax made within One Month.
33. Where Application not to be Granted.

34. Non-attendance of Party at Taxation.
35. Costs of Taxation.
36. Form of Order to be Made.
37. Proof of Compliance with Act.
38. Completion of Taxation.
39. Power to Court to Order Delivery of Bill, etc.
40. Where Lawyer May Begin Suit within Month of Delivery of Bill.
41. Applications to be by Motion.
42. Representatives and Assignees of Lawyers.

PART VI—PREPARATION OF LEGAL DOCUMENTS BY UNAUTHORISED PERSONS

43. Name and Address of Draughtsman to be Endorsed on Instruments.
44. Unqualified Persons not to Draw or Prepare Instruments.
45. Agreement to Pay Fees or Reward to an Unqualified Person to be Void.
46. Savings for Public Officers and Engrossing.
47. Power to Except any Class of Instrument.

PART VII—KEEPING OF ACCOUNTS

48. General Legal Council to Make Rules as to Certain Matters.
49. Consequences of Failure to Comply with Rules.
50. Saving for Full-time Employees of Government.
51. Saving for Part-time Practitioners.
52. Relief to Banks.

PART VIII—MISCELLANEOUS

53. Provisions as to Rules.

54. Repeals.

55. Continuance of Rules and Regulations.

56. Definitions.

57. Commencement.

SCHEDULES

First Schedule—Constitution of General Legal Council.

Second Schedule—Form of Practising Certificate.

Third Schedule—Repeals.

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 £G100 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" in the form set out in the Second Schedule to this Act.[deleted by Stamp Duty Act 2005 (Act 689) s.51(2)]

(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.

PART III—DISCIPLINE

Section 16—Erasure from Roll for Misconduct.

(1) A lawyer who has been guilty of grave misconduct in a professional respect (including any conduct which, in pursuance of rules made by the General Legal Council under this Part, is to be treated as grave misconduct in a professional respect), shall be liable—

(a) to have his name struck off the Roll of Lawyers, or

(b) to be prohibited from practising as a lawyer for a period specified in the order suspending him.

(2) Section 9 of this Act applies to a lawyer who is prohibited under this section from practising as it applies to a person who is not enrolled.

Section 16A—Erasure from Roll on Conviction of Certain Offences.

The General Legal Council may direct the Judicial Secretary to strike off the Roll of Lawyers without the holding of a disciplinary enquiry, the name of any Lawyer who has been convicted of an offence involving dishonesty or moral turpitude and the Judicial Secretary shall comply with any such direction:

Provided that the Judicial Secretary shall not erase the name of a lawyer from the Roll under this paragraph unless the period allowed (if any) within which the lawyer concerned may lodge an appeal against his conviction has expired without his lodging an appeal or if any such appeal was lodged by him until the appeal has been finally disposed of or withdrawn or abandoned. [As Inserted by Legal Profession Act (Amendment) Decree, 1969 (NLCD 338) s. 1 (a)].

Section 17—Disciplinary Committee.

(1) The General Legal Council shall appoint from among their members, or persons who hold or have held high judicial office, or former members of the Council who are practising as lawyers, a Disciplinary Committee consisting of such number of persons, not being less than three nor more than seven, as the Council think fit. [As Substituted by Legal Profession (Amendment) Decree, 1979 (AFRCD 53) s. 1(a)].

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

Section 18—Reference of Disciplinary Cases to Disciplinary Committee.

Any 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, they shall proceed to hold the inquiry.

Section 19—Rules of Procedure, Etc.

(1) The Disciplinary Committee may by legislative instrument make rules as to the times and places of the meetings of the Committee, 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 any party to the inquiry shall, if he so requires, be entitled to be heard by the Committee, and

(b) for enabling any party to the inquiry to be represented by a lawyer, and

(c) for the allowance to witnesses of their expenses subject to such limits as may be prescribed, 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 witnesses, and to call for the production of documents, and to examine witnesses and parties concerned on oath; and oaths may be administered for that purpose by any member of the Disciplinary Committee.

(3) All persons summoned to attend and give evidence, or to produce documents, at any sitting of the Disciplinary Committee in an inquiry under this Act shall be bound to obey the summons to attend as fully in all respects as witnesses are bound to obey subpoenas issued from the High Court, and every person failing without reasonable excuse to attend at the time and place mentioned in the summons served on him, or withdrawing without the permission of the Disciplinary Committee, or refusing without reasonable excuse to answer any question put to him in the course of the inquiry, or to

produce any documents which he has been required to produce shall be liable on summary conviction to a fine not exceeding £50.

(4) A person giving evidence in an inquiry under this Act shall not be compelled to incriminate himself, and shall, in respect of any evidence so given, be entitled to all privileges to which a witness giving evidence before the High Court is entitled.

(5) A person who at any sitting of the Disciplinary Committee wilfully insults any member of the Disciplinary Committee, or any officer of the Disciplinary Committee, or wilfully interrupts the proceedings of the Disciplinary Committee shall be liable on summary conviction to a fine not exceeding £100, or to imprisonment for a term not exceeding one year, or to both.

(6) For the purposes of the law relating to the offence of perjury the Disciplinary Committee holding an inquiry under this Act shall be deemed to be a court.

Section 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 they decide that those allegations are proved they may direct the taking of any such disciplinary measures as are specified in section 16 of this Act and make such order as to costs as they may think fit.

(2) The Disciplinary Committee may if they think fit postpone either indefinitely or for a specified period the making of their decision whether to take any such disciplinary measures.

Section 21—Right of Appeal.

Where the Disciplinary Committee on the conclusion of an inquiry into a disciplinary case has directed the taking of disciplinary measures or has postponed its decision under section 20 of this Act, the lawyer into whose conduct the inquiry was made or the complainant into whose complaint the inquiry was made may, within twenty-one days from the date on which the decision of the Disciplinary Committee is communicated to him by the Committee, appeal to the Court of Appeal—

(a) on any question of law, or

(b) with leave of the Disciplinary Committee or the Court of Appeal, on any question of fact. [As Substituted by Legal Profession (Amendment) Decree, 1979 (AFRCD 53) s. 1 (b)].

Section 22—Striking off the Roll.

The Judicial Secretary shall not erase the name of the lawyer from the Roll in pursuance of a decision of the Committee until the period of 21 days, under section 21 of this Act, has expired and until he has ascertained that no appeal has been brought under that section or that any such appeal has been disposed of.

Section 23—Rules of Professional Conduct.

The General Legal Council may prescribe standards of professional etiquette and professional conduct for lawyers, and may by rules made for this purpose direct that any specified breach of the rules shall for the purposes of this Part constitute grave misconduct in a professional respect.

Section 24—Restoration of Name to the Roll.

(1) Subject to this section, where the name of any lawyer has been struck off the Roll in consequence of a decision in a disciplinary case or in consequence of a direction by the General Legal Council under section 16A of this Act, his name shall not again be entered on the Roll except by the direction of the Council, but the Council may at any time direct that his name be restored to the Roll. [As Inserted by Legal Profession Act (Amendment) Decree, 1969 (NLCD 338) s. 1 (b)].

(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 notwithstanding that the decision ordering his name to be struck off the Roll was taken before the passing of this Act.

Section 25—Review of Prohibition on Practising.

Where under this Part the Disciplinary Committee have directed that a lawyer be prohibited from practising they may at any time review their decision and direct that the prohibition be withdrawn.

PART IV—EMPLOYMENT OF LAWERS

Section 26—Change of Lawyers During Hearing of a Case.

(1) A party appearing by a lawyer in any case shall be at liberty to change his lawyer without an order for that purpose upon notice of the change being filed in the office of the Registrar of the Court.

(2) Until notice is so filed and a copy thereof served upon him, the former lawyer shall be considered as appearing for the party until final judgment, unless allowed by the Court for any special reason to cease from acting therein; but he shall not be bound except under express agreement or unless re-engaged, to take any proceedings in relation to any appeal from the judgment.

Section 27—Liability to Pay Costs.

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

(2) Such failure shall be deemed to have taken place if the client has refused or neglected to make payment after a demand has been made on him, although no process of execution may have been used against him.

(3) This section shall not restrict the liability of any lawyer in respect of the above mentioned or any other misconduct for which he would otherwise be punishable.

Section 28—Costs Recoverable.

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

Section 29—Agreements Inconsistent with this Act to be Void.

Any agreement intended to secure to a lawyer any remuneration, or to constitute any conditions of his employment other than authorised by this Part, shall be null and void, and if a lawyer enters into any such agreement, or receives any larger amount than authorised, either directly or indirectly, through any other person, for his use or benefit, he shall refund the whole amount of the overcharge, and shall be liable to a fine which may extend to double the amount of the overcharge or to £G20.

PART V—RECOVERY OF FEES

Section 30—Bill of Fees.

A lawyer shall not be entitled to commence any suit for the recovery of any fees for any business done by him as a barrister or solicitor until the expiration of one month after he has served on the party to be charged a bill of those fees, the bill either being signed by the lawyer (or in the case of a partnership by any of the partners, either in his own name or in the name of the partnership) or being enclosed in or accompanied by a letter signed in like manner referring to the bill.

Section 31—Application of Party Charged to Tax Bill.

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

Section 32—Where no Application to Tax Made within one Month.

If application is not made within the month referred to in section 30 of this Act, a reference for taxation may be made upon the application of the lawyer, with such directions and subject to such conditions as the Court making the reference thinks proper, and the Court may restrain him from commencing a suit for the recovery of his fees pending the reference on such terms as the Court thinks proper.

Section 33—Where Application Not to be Granted.

No reference shall be directed upon application made by the party to be charged after judgment has been obtained in any 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 application for the reference is made.

Section 34—Non-attendance of Party at Taxation.

Upon any reference, if either 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.

Section 35—Costs of Taxation.

If on any reference the party to be charged attends on taxation the cost of the reference shall, subject to section 36 of this Act, 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.

Section 36—Form of Order to be Made.

(1) Every 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 any circumstances relating to the bill or reference and the Court may make any such order as it thinks proper respecting the costs of the reference.

(3) Where any reference is made under section 33 of this Act the Court may, if it thinks fit, give any special directions relative to the costs of the reference.

Section 37—Proof of Compliance with Act.

It shall not in any case be necessary in the first instance for any lawyer in proving a compliance with this Part to prove the contents of the bill served; it shall be 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.

Section 38—Completion of Taxation.

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

(2) The Court may in its discretion review any approval on the application of either party made within twenty-one days of the approval, and the Court may order that judgment be entered for the amount approved, unless the retainer is disputed, or to make such other order as the Court thinks proper.

Section 39—Power to Court to Order Delivery of Bill, Etc.

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

Section 40—Where Lawyer May Begin Suit within Month of Delivery of Bill.

The Court may authorise a lawyer to commence a suit for the recovery of his fees against the party to be charged, and may refer his 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 quit Ghana, 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.

Section 41—Applications to be by motion.

All applications made under this Part to refer any bill to be taxed and settled or for the delivery up of deeds, documents, or things shall be by motion in the matter of the lawyer concerned.

Section 42—Representatives and Assignees of Lawyers.

This Part applies to the executor, administrator, and assignee of a lawyer in respect of business done by the lawyer.

PART VI—PREPARATION OF LEGAL DOCUMENTS BY UNAUTHORISED PERSONS

Section 43—Name and Address of Drughtsman to be Endorsed on Documents.

Every person who draws or prepares any legal document for reward shall endorse or cause to be endorsed thereon his name and address; and any person omitting so to do shall be liable on summary conviction to a fine not exceeding £10.

Section 44—Unqualified Persons not to Draw or Prepare Documents.

No other person than a lawyer shall either directly or indirectly for or in expectation of any fee, gain, or reward draw or prepare any legal document; and any person contravening this section shall be liable on summary conviction to a fine £50.

Section 45—Agreement to Pay fee or Reward to an Unqualified Person to be Void.

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

(2) Any person who pays to any person, other than a lawyer, any 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.

Section 46—Savings for Public Officers and Engrossing.

This Part does not apply to any public officer drawing or preparing a legal document in the course of his duty as such, nor to the mere engrossing of document.

Section 47—Power to Except any Class of Document.

The Minister may, by legislative instrument, except from this Part any class of document specified in the instrument.

PART VII—KEEPING OF ACCOUNTS

Section 48—General Legal Council to Make Rules as to Certain Matters.

(1) The General Legal 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 as to moneys received, held or paid by them, for or on account of their clients.

(2) The General Legal Council may take such action and make such rules as may be necessary to enable them to ascertain whether or not the rules are being complied with.

Section 49—Consequences of Failure to Comply with Rules.

(1) If a person fails to comply with any of the rules made under section 48 of this Act, any person may make a complaint in respect of that failure to the Disciplinary Committee.

(2) The provisions of Part III of this Act shall apply in relation to complaints under this section as they apply in relation to application to the Committee under Part III.

Section 50—Saving for Full-time Employees of Government.

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

Section 51—Saving for Part-time Practitioners.

Where a person is employed as an officer of the Government or 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 of this Act shall only apply to him so far as regards moneys received, held or paid by him in the course of the private practice.

Section 52—Relief to Banks.

(1) Subject to this section, no bank shall, in connection with any transaction on any account of any 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 any liability or be under any obligation to make any enquiry or be deemed to have any knowledge of any right of any person to any money paid or credited to any 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 all the money paid or credited to it.

(2) Nothing in subsection (1) shall relieve a bank from any liability or obligation under any other enactment.

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

(4) Nothing in subsection (3) shall deprive a bank of any right existing at the time when the rules made under section 48 of this Act came into operation.

PART VIII—MISCELLANEOUS

Section 53—Provisions as to Rules.

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

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

(3) A legislative instrument under this Act shall be subject to annulment by the National Assembly.

Section 54—Repeals.

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

Section 55—Continuance of Rules and Regulations. No. 22 of 1958.

Rules and regulations made under any provision of the Legal Practitioners Act, 1958, 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.

Section 56—Definitions.

In this Act, except where the contrary intention appears—

"enrolment" means the entry of a name in the Roll of Lawyers;

"fees" includes charges and disbursements;

"lawyer", for the purposes of Part V of this Act, includes any person enrolled at the time the relevant business was done; and, for the purposes of Part VI of this Act, does not include a lawyer for the time being suspended from practice;

"legal document" means any document (other than a will) conferring, transferring, limiting, charging, or extinguishing, or purporting to confer, transfer, limit, charge, or extinguish any right, title, or interest in property, movable or immovable, or any document (including a letter) indicating that legal proceedings may be brought against the person 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 to be qualified to practise in a country other than Ghana;

"the Minister" means the Minister to whom functions under this Act are for the time being assigned by the President;

"practise", in relation to a country other than Ghana means practise as a barrister, solicitor or advocate or in a like capacity, by whatever name called.

Section 57—Commencement.

This Act shall come into operation on the 1st day of January, 1961.

SCHEDULES

FIRST SCHEDULE

CONSTITUTION OF GENERAL LEGAL COUNCIL

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

(2) The Council shall not, as a body corporate, be subject to any disability as regards the holding of land to which an individual would not be subject.

2. (1) Subject to this paragraph, the Council shall consist of a chairman, a deputy chairman and—

(a) the two most senior Judges of the Supreme Court after the chairman and the deputy chairman referred to in subparagraph (2) of this paragraph;

(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. [As Substituted by the Legal Profession (Amendment) Act 1964 (Act 226) s. 3]

(2) The Chairman shall be the Chief Justice and the deputy chairman shall be the most senior of the other Judges of the Supreme Court.

(3) The other members shall include—

(a) the other Judges of the Supreme Court;

(b) the Attorney-General;

(c) the Head of the Faculty of Law at the University College of Ghana;

(d) two persons nominated by the Chief Justice;

(e) two persons nominated by the Minister;

(f) four members of the Bar of not less than five years' standing elected by the Ghana Bar Association.

(4) The term of office of any nominated member of the Council and the conditions under which he may be removed shall be such as may be provided by rules under this Schedule or, if no such rules have been made, as may be determined by the person nominating him at the time of the nomination.

3 (1) Decisions of the Council may be taken by a majority of those present at a meeting of the Council, and the quorum at any meeting shall be five of whom one shall be the chairman or deputy chairman. [As

Substituted by Legal Profession Act (Amendment) (No. 2) Decree 1967 (NLCD 213) s. 1 (c)].

(2) Subject to any rules made under this Schedule, the Council shall meet at such times and places as the chairman of the Council may direct, but the Council shall meet not less than twice in any year.

(3) The Secretary of the Council shall be a person appointed by the Council.

4. The General Legal Council may appoint committees, in addition to the Disciplinary Committee, and delegate to them any of the Council's functions other than their functions under Part III of this Act.

5. The Council may make rules governing their proceedings and in respect of any matter to be provided under this Schedule.

SECOND SCHEDULE

SOLICITOR'S LICENCE

PURSUANT to the Legal Profession Act, 1960, 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, 19 on this licence being duly stamped.

Dated this day of , 19 .

.....

Secretary to the General Legal, Council."

[As Substituted by Legal Profession (Amendment) Decree, 1967 (NLCD 143) s. 4].

THIRD SCHEDULE

REPEALS

Section 54

The Legal Practitioners Ordinance (Cap. 8)

The Military Advocates Ordinance (Cap. 57)

The Legal Practitioners Act, 1958 (No. 22)

The Legal Practitioners (Amendment) Act, 1958 (No. 53).