

# ACT

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*dated 12th October, 2000*

## **THE LEGAL PRACTITIONERS ACT, 2000**

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SIGNED this 13th day of September, 2000.

ALHAJI AHMAD TEJAN KABBAH,  
*President.*



No. 15



Sierra Leone

2000

## **The Legal Practitioners Act, 2000**

Short title.

**Being an Act to consolidate and amend the law relating to the admission, enrolment, practice and discipline of legal practitioners and to provide for matters incidental to or connected with the foregoing.**

*[12th October, 2000]* Date of commencement.

ENACTED by the President and members of Parliament in this present Parliament assembled.

## PART I — PRELIMINARY

## Interpretation.

## 1. In this Act, unless the context otherwise requires —

“Attorney-General” means the Attorney General and Minister of Justice;

“Chairman” means, the Chairman of the General Legal Council elected under subsection (2) of section 3;

“client” includes —

- (a) any person who, whether as principal or on behalf of another person, retains or employs a legal practitioner; and
- (b) any person, who is or may be liable to pay the bill of costs of the legal practitioner;

“Council” means the General Legal Council established by subsection (1) of section 2;

“Disciplinary Committee” means the Disciplinary Committee referred to in section 6;

“instrument” means any document relating to real or personal estate or any estate or interest therein, including the memorandum and articles of association of companies, and any proceeding in law or equity, but does not include —

- (a) a will or other testamentary instrument; or
- (b) an agreement under hand only; or
- (c) a power of attorney; or
- (d) a transfer of stock containing no trust or limitation thereof;

“legal practitioner” means any person admitted and enrolled to practice law as a barrister and solicitor;

“Secretary” means the person appointed Secretary by the Council under section 7;

“unqualified person” means a person not enrolled under section 16.

## PART II—ESTABLISHMENT OF GENERAL LEGAL COUNCIL

2. (1) There is hereby established a body to be known as the General Legal Council.

Establishment  
of General  
Legal  
Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal and capable of suing and being sued in its corporate name, of acquiring and disposing of property, both moveable and immoveable, and capable, subject to this Act, of performing all such acts as bodies corporate may by law perform.

3. (1) The Council shall consist of the following members: —

Composition  
of Council.

- (a) the Attorney-General and Minister of Justice or his representative being a legal practitioner of not less than fifteen years' standing;
- (b) the Solicitor-General;
- (c) six practising legal practitioners of whom three shall be of not less than fifteen years' standing and the rest of not less than ten years' standing all of whom shall be elected by the Sierra Leone Bar Association; and
- (d) one legal practitioner employed in the public service (but not the Judicial and Legal Service), appointed by the Attorney-General.

(2) The Council shall elect as Chairman one of the three legal practitioners of not less than fifteen years' standing referred to in paragraph (c) of subsection (1).

(3) The Chairman and the other members of the Council except the *ex-officio* members referred to in paragraphs (a) and (b) of subsection (1), shall hold office for three years and shall thereafter be eligible for re-election.

(4) A member of the Council, except an *ex-officio* member, may resign his office by notice in writing addressed to the Secretary.

(5) Where a member dies or resigns his office, the authority or body which appointed or elected him, as the case may be, shall appoint or elect another person to fill the vacancy created for the remainder of the term of office of the member who has died or resigned.

Functions of  
Council.

4. (1) The Council shall be the governing authority with regard to the conduct of the legal profession in Sierra Leone.

(2) Without prejudice to the generality of subsection (1), the Council shall be responsible, subject to this Act, for—

- (a) the admission and enrolment of persons to practise law, whether as barristers or solicitors or both;
- (b) the admission to pupillage and the registration of pupils in the Temporary Register kept under section 20;
- (c) the issuing of practising certificates to legal practitioners;
- (d) the prescription of standards of professional conduct and code of etiquette for legal practitioners;
- (e) the discipline of legal practitioners; and
- (f) the prescription of fees for non-contentious matters.

Meetings of  
Council.

5. (1) The Council shall meet for the dispatch of its business at such time and place as the Chairman may determine, but shall meet at least twice a year.

(2) The Chairman may himself at anytime, and shall, at the request in writing of three or more members of the Council, convene a special meeting of the Council.

(3) The Chairman shall preside at all meetings of the Council and in his absence a member of the Council appointed by the members present from among their number shall preside.

(4) Decisions at meetings of the Council shall be determined by a simple majority of the members present and voting and in the event of equality of votes the Chairman or person presiding shall have a casting vote.

(5) The quorum for a meeting of the Council shall be five.

(6) The Council shall, subject to this Act, regulate the procedure for its meetings.

(7) The Council may co-opt any person to advise it at any of its meetings but such person shall not vote on any matter for decision by the Council.

6. (1) The Council shall have a committee to be known as the Disciplinary Committee to which it may from time to time assign any disciplinary matter which may arise under paragraph (e) of subsection (2) of section 4. Committees of Council.

(2) In addition to the Disciplinary Committee, the Council may, for the better exercise of any of its functions, establish other committees consisting of such members and with such powers and duties as the Council may determine.

7. (1) The Council shall appoint a Secretary and such other employees as may be necessary for the proper discharge of its functions and on such terms and conditions as the Council may determine. Council to appoint Secretary and other employees.

(2) The Secretary shall be responsible to the Council for—

- (a) the day-to-day administration of the affairs of the Council;
- (b) the recording of minutes of meetings of the Council;



- (c) overseeing the work of the other employees of the Council; and
- (d) performing such other duties imposed on him by this Act or as the Council may direct.

Funds of  
Council.

8. (1) The activities of the Council under this Act shall be financed by a fund consisting of—

- (a) any moneys accruing to the Council in the performance of its functions;
- (b) donations and grants from any person or organization; and
- (c) the returns on any investment on any part of the funds of the Council.

(2) The Council shall keep proper books of account and other records in relation to the activities of the Council in such form as shall ensure the proper use of the funds of the Council.

(3) The accounts of the Council, kept under subsection (2), shall be audited annually by an auditor appointed by the Council.

### PART III—ADMISSION AND ENROLMENT OF LEGAL PRACTITIONERS

Admission  
and enrolment  
for legal  
practice.

9. Subject to this Act, no person shall engage in the practice of law in Sierra Leone unless he has been admitted and enrolled as a legal practitioner under this Act.

Qualification  
for admission  
as legal  
practitioner.

10. A person qualifies for admission as a legal practitioner if—

- (a) he is—
  - (i) the holder of a degree in law awarded by the University of Sierra Leone and of such level as the Council of Legal Education may prescribe; or
  - (ii) the holder of any degree in law of a recognised university or other institution of higher learning of a Commonwealth country approved by the Council of Legal Education; or

- (iii) the holder of any degree in law of a recognised university or other institution of higher learning of a country with a legal system analogous to that of Sierra Leone approved by the Council of Legal Education; and
- (b) he has passed the appropriate professional examinations conducted by the Council of Legal Education and served a period of pupillage of not less than twelve months with a legal practitioner of at least ten years' standing in Sierra Leone.

11. (1) The period of pupillage referred to in paragraph (b) of section 10 may be served by employment for eighteen months in the Judicial and Legal Service. Pupillage in Government service.

(2) Where, before completing the period of pupillage prescribed in either paragraph (b) of section 10 or in subsection (1), as the case may be, a person changes his pupillage—

- (a) from the service with a legal practitioner to employment in the Judicial and Legal Service; or
- (b) from employment in the Judicial and Legal Service to service with a legal practitioner,

then the remaining period of pupillage shall be reckoned on the basis of the proportion which the full periods of pupillage prescribed respectively in paragraph (b) of section 10 and in subsection (1) bear to each other:

Provided that the period of pupillage prescribed in paragraph (b) of section 10 shall still remain twelve months, in the aggregate, where it is served with more than one legal practitioner referred to in that paragraph.

12. (1) Subject to this Act, any person who wishes to be admitted to practise law in Sierra Leone shall make a written application to the Council in that behalf. Application for admission.

(2) An application under subsection (1) shall be accompanied by—

- (a) two testimonials of good character sufficient to satisfy the Council;
- (b) copies of certificates testifying that the applicant holds the qualifications specified in section 10; and
- (c) a certificate that he has served the period of pupillage applicable to him.

(3) On receipt of an application under subsection (1), the Secretary shall—

- (a) cause a copy to be posted up at a conspicuous place in the main law courts building for a period of thirty days; and
- (b) forward a copy to the Chairman.

(4) The copy of the application referred to in paragraph (a) of subsection (3) shall be posted with a notice inviting objections to the application, if any.

Objection to application.

**13.** (1) Any person who wishes to object to an application under section 12 shall, within fifteen days of the posting up of the copy of the application under subsection (3) of section 12, lodge a written notice of objection with the Secretary.

(2) Where an objection is made under subsection (1), the Secretary shall—

- (a) appoint a day for the hearing of the objection; and
- (b) issue a summons to any interested party to appear before him on the day appointed under paragraph (a).

(3) An objection under subsection (1) shall be heard and determined in such manner as may be prescribed by rules made by the Council for that purpose.

14. (1) The Council may, where—

Admission of  
legal  
practitioners.

- (a) an applicant has fulfilled the requirements prescribed in section 10; and
- (b) there is no objection pending before the Council against his application,

admit the applicant as a legal practitioner.

(2) The Council may, upon good cause shown, refuse to admit any person to practise law notwithstanding that he may have fulfilled the requirements prescribed in section 10.

(3) Where admission is refused under subsection (2), the person so refused may apply to the High Court to have the matter reviewed for determination.

(4) Every applicant shall, before admission, take and subscribe before the Secretary the oath, affirmation or declaration set out in the First Schedule.

15. (1) Subject to subsection (2), the Council may admit to practise law in Sierra Leone any applicant who satisfies the Council that: — Exemptions.

- (a) he has been admitted and enrolled as a legal practitioner in any Commonwealth country approved by the Council; and
- (b) he has practised law in such country for a period of not less than ten years; and
- (b) he is a fit and proper person to be granted exemption from the requirements of section 10.

(2) An application under subsection (1) shall not be granted unless the applicant is a citizen of a Commonwealth country which has legal provision for granting an exemption which is: —

- (a) similar to subsection (1); and
- (b) applicable to citizens of Sierra Leone.

Roll of Court.

**16. (1)** There shall be a Roll of Court in which shall be entered by the Secretary the names and other particulars of persons who have been admitted as legal practitioners in Sierra Leone.

(2) The Roll of Court in existence immediately before the commencement of this Act is hereby continued in existence for the purposes of subsection (1).

(3) There shall be charged for every enrolment under subsection (1) such fees as the Council may determine from time to time by Government Notice.

Certificate of enrolment.

**17.** The Secretary shall issue to every person enrolled as a legal practitioner a certificate of enrolment under the seal of the Council.

Status of legal practitioners.

**18.** Every person whose name is entered in the Roll of Court under section 16 shall—

(a) subject to section 19 and to any law precluding him from appearing in any court, tribunal or proceedings, be entitled to practise in any court of law or any other tribunal or legal proceedings or matter where his services are required, whether as barrister or solicitor or both as barrister and solicitor;

(b) subject to section 19, be entitled to sue and recover his fees, charges and disbursements for services rendered as a legal practitioner; and

(c) have status as an officer of the courts.

Practising certificate.

**19. (1)** A legal practitioner, other than the Attorney-General or a legal practitioner employed in the public service, shall not practise as a barrister or solicitor or both except in accordance with a practising certificate issued by the Council in the appropriate form in the Second Schedule duly stamped, entitling him to practise in the capacity or capacities specified in the certificate.

(2) Every legal practitioner, other than the Attorney-General or a legal practitioner employed in the public service shall, for every year in which he wishes to practise law—

- (a) take out a practising certificate; or
- (b) as the case may be, renew his practising certificate,

by appropriately completing the application form set out in the Third Schedule and by paying the fee prescribed by the Council in that behalf,

(3) If the Council refuses an application for the issuance or, as the case may be, the renewal of a practising certificate, it shall within one week of the refusal notify the applicant accordingly together with the reasons therefor.

(4) An applicant who is aggrieved by the refusal of an application under subsection (3) may appeal to the High Court to have the matter reviewed for determination and the High Court may either uphold the decision of the Council or direct the Council to issue or renew the practising certificate, as the case may be.

(5) A legal practitioner who practises in contravention of subsection (1) shall not be granted audience in any court in Sierra Leone and shall not be capable of maintaining any action for the recovery of any fee or reward on account of or in relation to any act or proceeding done or taken by him in the course of such practice.

(6) If the name of a legal practitioner is removed from the Roll of Court any practising certificate issued to him shall cease to be in force.

(7) During the period of suspension of a legal practitioner, no practising certificate shall be issued to him and any practising certificate issued to him prior to such suspension shall cease to be in force.

(8) For the purposes of subsection (5), the Secretary shall send at least one reminder to the defaulting legal practitioner and shall, where the contravention continues, notify the courts accordingly.

**20.** (1) A Temporary Register shall be kept by the Council for the registration of persons serving the appropriate period of pupillage under sections 10 and 11 respectively. Temporary Register.

(2) Any person who wishes to be registered in the Temporary Register shall make a written application to the Secretary in that behalf.

(3) An application under subsection (2) shall be accompanied by—

- (a) copies of certificates testifying that the applicant holds the qualification specified in section 10; and
- (b) proof that he is serving pupillage under paragraph (b) of section 10 or under section 11.

(4) Any person registered in the Temporary Register shall be issued a certificate of temporary registration under the seal of the Council.

(5) Subject to subsection (6), the holder of a certificate of temporary registration under subsection (4)—

- (a) shall have a right of audience in any Magistrates' Court or District Appeal Court in Sierra Leone in all criminal and civil matters;
- (b) shall not be entitled for a period of one year immediately after such registration:—
  - (i) to practise in the Superior Court of Judicature; or
  - (ii) to practise as a solicitor or render any service or do any work normally performed by a solicitor as may be prescribed by the Council.

(6) Notwithstanding subparagraph (ii) of paragraph (b) of subsection (5), the holder of a certificate of temporary registration—

- (a) who is in the Judicial and Legal Service shall be entitled to practise in the High Court; and
- (b) who has been in private practice for a period of not less than six months after such registration shall be entitled to appear in the High Court in interlocutory matters.

(7) The fee for registration in the Temporary Register shall be fixed from time to time by the Council by Government Notice.

#### PART IV—RESPONSIBILITIES AND OFFENCES RELATING TO LEGAL PRACTICE

**21.** Any unqualified person who—

- (a) practises or acts as a legal practitioner; or
- (b) wilfully and falsely pretends to be, or takes or uses any name, title, addition or description implying that he is duly qualified to practise or act as a legal practitioner, or that he is recognised by law as so qualified,

Unqualified person practising as legal practitioner.

commits an offence and is liable on conviction to a fine not exceeding one million leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

**22.** (1) No person whose name has been deleted from the Roll of Court or who has been suspended from practice shall, while his name is so deleted or while he is so suspended, continue to practise law, directly or indirectly, by himself or in partnership or association with any other person, nor shall he, except with the written consent of the Council, be employed in any capacity connected with the practice of law.

Legal practitioner not to practise with an unqualified person.

(2) No legal practitioner shall, except with the written consent of the Council, which may be given for such a period and subject to such condition as the Council may think fit, employ in any capacity any person whose name has been deleted from the Roll of Court or who has been suspended from practice as a legal practitioner while such person has been so suspended.

(3) No legal practitioner shall make over, share or divide his professional fees with any unqualified person but nothing in this subsection shall be taken as preventing a legal practitioner from paying a salary to a person in his employ who does not practise law.



(4) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding one million leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Liability in  
negligence.

**23.** (1) Where a legal practitioner renders to any client professional services of the nature prescribed by the Council as those reserved for solicitors or otherwise recognised by law as such, he shall be liable to the client for any loss or damage suffered by the client as a result of any negligence on his part.

(2) Without prejudice to the generality of subsection (1) any legal practitioner who—

- (a) negligently draws or prepares any instrument or;
- (b) signs his name or initials on any instrument which has been negligently drawn up or prepared;

shall be liable in negligence to pay the client who suffers any pecuniary loss as a result of that negligence, such damages as the Court may award.

Prohibition  
against  
preparation of  
instrument.

**24.** (1) Notwithstanding any enactment to the contrary, no unqualified person shall draw or prepare any instrument or endorse or cause to be endorsed on such instrument his name or address or both.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one million leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(3) Proceedings in respect of an offence under this section shall not be brought later than six months after the discovery of the offence by the Council.

Endorsement  
of instrument.

**25.** (1) Any legal practitioner who draws or prepares any instrument shall endorse or cause to be endorsed on it his name or the name of the firm in which he is a partner or is employed, together with the appropriate address.

(2) Any legal practitioner who contravenes subsection (1) shall be liable to a penalty of one million leones recoverable at the instance of the Council as a civil debt in a Magistrates' Court.

26. (1) Notwithstanding any law to the contrary, no instrument which does not comply with the provisions of this Part shall be accepted by the Administrator and Registrar-General for registration under the Registration of Instruments Act.

Instrument not to be registered under Cap. 256.

(2) Any person who knowingly or recklessly registers or causes any instrument to be registered contrary to subsection (1), commits an offence and is liable on conviction to a fine not exceeding one million leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

27. (1) A legal practitioner who in his professional capacity receives any money or property shall —

Receipt of money or property by legal practitioners.

- (a) give for such money or property received, a receipt to the person from whom he receives the money or property; and
- (b) maintain at a licensed bank in Sierra Leone a separate account (to be called a client's account) into which he shall pay all monies received for and on behalf of his clients.

(2) For the purposes of subsection (1), every legal practitioner shall keep a commercial receipt book with folios of the receipt and its counterfoil consecutively numbered and showing: —

- (a) the name of the person from whom the money or property is obtained;
- (b) the consideration and the amount involved; and
- (c) the date of receipt, together with any other information that may be relevant to the issuance of the receipt.

(3) A legal practitioner shall produce the receipt book, kept under subsection (2), when called upon to do so by the Disciplinary Committee or by any court or taxing officer and the Disciplinary Committee, court or taxing officer may examine the counterfoil of any receipt which is relevant to the matter before such Disciplinary Committee, court or taxing officer.

(4) Any legal practitioner who contravenes this section is guilty of unprofessional, dishonourable or unworthy conduct.

#### PART V—DISCIPLINE

Composition  
of  
Disciplinary  
Committee.

**28.** (1) The Disciplinary Committee referred to in subsection (1) of section 6 shall consist of—

- (a) a Judge of the Superior Court of Judicature appointed by the Chief Justice who shall be the chairman;
- (b) a representative of the Attorney-General qualified to practise law in Sierra Leone; and
- (c) three legal practitioners appointed by the Sierra Leone Bar Association.

(2) A member of the Disciplinary Committee shall hold office for eighteen months and shall thereafter be eligible for re-appointment.

Quorum of  
Disciplinary  
Committee.

**29.** The quorum for a sitting of the Disciplinary Committee shall be three.

Secretary to  
attend on  
Disciplinary  
Committee.

**30.** The Secretary shall record minutes of the sittings of the Disciplinary Committee and shall, subject to this Act, perform such other duties as the Chairman of the Disciplinary Committee may direct.

Reference of  
disciplinary  
cases to  
Disciplinary  
Committee.

**31.** (1) Any person who has a complaint relating to the conduct of a legal practitioner in respect of that practitioner's professional work may send such complaint to the Disciplinary Committee through the Secretary.

(2) The complaint shall be supported with an affidavit setting out the facts on which the complaint is based.

(3) Without prejudice to the generality of subsection (1), a complaint may be based on any of the acts of unprofessional, dishonourable or unworthy conduct prescribed in section 38.

(4) The Disciplinary Committee shall, on receiving the complaint, determine whether an inquiry ought to be held into the complaint; and if it so determines, it shall hold an inquiry into the complaint.

(5) Where the Disciplinary Committee decides to hold an inquiry, the Secretary shall notify the Attorney-General who may institute appropriate proceedings before the Disciplinary Committee.

(6) The Attorney-General may appoint counsel to represent him or any other party in any proceedings under subsection (5), and section 3 of the Law Officers' Act, 1965 relating to the payment of fees to such counsel (not being a public officer) shall apply. Act No. 6  
of 1965

(7) The representative of the Attorney-General referred to in paragraph (b) of subsection (1) of section 28, shall not form part of the Disciplinary Committee in any proceeding prosecuted by the Attorney-General or his representative.

**32.** (1) The Council may make rules as to the times and places of the sittings of the Disciplinary Committee, the manner of summoning members of the Disciplinary Committee, the procedure to be followed and rules of evidence to be observed in an inquiry, and in particular for— Rules of  
procedure for  
sittings etc. of  
Disciplinary  
Committee.

- (a) securing that any party to the inquiry shall, if he so requires, be entitled to be heard by the Disciplinary Committee;
- (b) enabling any party to the inquiry to be represented by a legal practitioner; and
- (c) providing for the allowances to witnesses of their expenses for attending the inquiry.

Powers of  
Disciplinary  
Committee.

**33. (1)** The Disciplinary Committee shall have the powers of the High Court to summon witnesses, to call for the production of documents and to examine witnesses or parties concerned on oath, which oath shall be administered by the Chairman of the Disciplinary Committee.

(2) A summons under subsection (1) shall be in the form set out in the Fourth Schedule.

(3) Any person summoned to attend and give evidence or to produce documents at any sitting of the Disciplinary Committee shall be bound to obey the summons as witnesses are bound by subpoenas issued from the High Court, and any person who fails, without reasonable excuse, to attend at the time and place mentioned in the summons or who withdraws without the permission of the Committee or refuses, without reasonable excuse, to answer any question put to him in the course of the inquiry, or refuses to produce any document, shall be guilty of contempt and the Committee shall refer the matter to the High Court for trial and punishment.

(4) No person giving evidence in any inquiry shall be compelled to incriminate himself and shall, in respect of any evidence so given, be entitled to all the privileges to which a witness giving evidence before the High Court is entitled.

Decisions of  
Disciplinary  
Committee.

**34.** Any question before the Disciplinary Committee shall be decided by a majority of the votes of members present and where there is equality in the votes, the chairman of the Disciplinary Committee shall have a casting vote.

Accused legal  
practitioner to  
appear before  
Committee.

**35. (1)** The Disciplinary Committee shall give the legal practitioner whose conduct is the subject of the inquiry an opportunity to appear before it for the purpose of defending the allegations made against him.

(2) The Secretary shall furnish the legal practitioner with—

- (a) a copy of the allegations made against him together with the affidavit made under subsection (2) of section 31; and;
- (b) copies of any relevant document.

**36. (1)** After holding an inquiry into a disciplinary case, the Disciplinary Committee shall decide whether the allegations inquired into have been proved and if it so decides, it may take any of the following disciplinary measures against the legal practitioner—

Disciplinary  
Measures

- (a) to have his name deleted from the Roll of Court; or
- (b) to suspend him from practising as a legal practitioner for such a period as it thinks fit; or
- (c) to impose a fine not exceeding one million leones, as it thinks fit, recoverable by the Secretary in the High Court as a civil debt; or
- (d) to censure him:

Provided that it shall be lawful for the Council, in the case of a legal practitioner who has been convicted by a court of competent jurisdiction of an offence involving fraud or dishonesty—

- (a) to suspend him from practice while he pursues an appeal against such conviction, if any; and
- (b) to delete his name from the Roll of Court after he has exhausted his right of appeal against such conviction, if any.

(2) Without prejudice to subsection (1), the Disciplinary Committee may, after the inquiry, make such order as to cost as it thinks fit.

(3) The Disciplinary Committee may, if it thinks fit, postpone either indefinitely or for a specified period, the making of its decision whether to take the disciplinary measures specified in paragraphs (a) and (b) of subsection (1).

(4) The Disciplinary Committee shall, at the end of each inquiry, record its findings in writing which shall be signed by the chairman and kept by the Secretary.

(5) No member of the Disciplinary Committee shall be liable to any action, suit or other proceeding for any thing said or done by him during an inquiry.

**37. (1)** Where the Disciplinary Committee, on the conclusion of an inquiry into a disciplinary case decides to take any disciplinary

Right of  
appeal.

measures, the legal practitioner into whose conduct the inquiry was made may, within three months from the date on which the decision of the Committee was communicated to him, appeal to the Court of Appeal.

(2) Without prejudice to subsection (1), any party to the inquiry aggrieved by any decision of the Disciplinary Committee, may also appeal to the Court of Appeal.

(3) An appeal under subsection (1) shall operate as a stay of the decision appealed against.

Unprofessional  
dishonourable  
or unworthy  
conduct.

**38. (1)** The following acts shall constitute unprofessional, dishonourable or unworthy conduct on the part of a legal practitioner:—

- (a) touting, that is, importuning for clients;
- (b) withholding the payment of trust money without lawful cause;
- (c) champerty;
- (d) breach of confidentiality—
  - (i) as between a client and his legal practitioner; or
  - (ii) as between or among legal practitioners in a relationship of partners or employer and employee in legal practice;
- (e) in any way assisting, allowing or enabling an unqualified person to charge, recover or receive any fee or derive any remuneration in respect of, or in connection with the preparation or execution of any document or the performance of any professional work which only a legal practitioner is qualified by law to prepare, execute or perform, or in any way conniving at any arrangement, agreement or understanding whereby any such fee or remuneration shall be charged, recovered or received by any such unqualified person;
- (f) opening or maintaining any office or branch which is not under the continuous personal supervision of a legal practitioner;

- (g) keeping the account of his practice as a legal practitioner in the books of account utilized in connection with any other business in which he may be interested jointly with an unqualified person;
- (h) remunerating an employee who is an unqualified person by way of a share in the profits of his practice as a legal practitioner;
- (i) in the case of a legal practitioner who also carries on the business of an auctioneer, referring to or mentioning any of his professional qualifications as legal practitioner on his sale advertisements;
- (j) allowing his name with any of his qualifications as legal practitioner to appear by way of advertisement or notification or by way of information upon any business letterhead, accounts or other documents whatsoever in conjunction with the name of an unqualified person so as to convey, or be likely to convey, the impression that he is associated in the legal profession with that unqualified person;
- (k) entering into or continuing to be a party to any contract or arrangement with an unqualified person, the effect of which is to place the legal practitioner under such control on the part of the unqualified person as may interfere with his professional independence;
- (l) levying any charges or accepting any fee which is less than the minimum charge prescribed in a tariff of minimum charges;
- (m) receiving remuneration for the performance of professional work and failing, without reasonable excuse, to perform such work within a reasonable time;



- (n) receiving, without the written authority of his client or any order of the High Court, the whole or part of any party costs awarded to his client, other than any taxed or agreed costs for which he has a lien; or
- (o) deducting or retaining without the written authority of his client or an order of the High Court, from any monies recovered or received on behalf of his client any sum other than any taxed or agreed costs for which he has a lien.

(2) Nothing in subsection (1) shall prevent—

- (a) the Council from prescribing any other acts which constitute unprofessional, dishonourable or unworthy conduct on the part of a legal practitioner; or
- (b) the Disciplinary Committee or the High Court from determining whether or not any act on the part of a legal practitioner, but which has not been mentioned in subsection (1), constitutes unprofessional, dishonourable or unworthy conduct.

(3) In determining any question under paragraph (b) of subsection (2), the Disciplinary Committee or the High Court, as the case may be, shall have regard to any code of conduct or rules of etiquette applicable to the legal profession in Sierra Leone.

(4) Where the High Court determines that an act on the part of a legal practitioner is unprofessional, dishonourable or unworthy conduct, it shall direct the Disciplinary Committee to impose the disciplinary measures prescribed in section 36.

#### PART VI—FEES CHARGEABLE BY LEGAL PRACTITIONERS

Agreement on  
fees  
chargeable.

**39.** A legal practitioner may make an agreement in writing with his client as to his fees in respect of any contentious business done or to be done by him, providing that he shall be paid either by a gross sum

or by salary or otherwise and at either a greater or a lesser rate than that at which he would otherwise have been entitled to be paid:

Provided that where such gross sum is stipulated otherwise than in respect of a complete proceeding, the work for which such gross sum is stipulated shall be clearly specified, and any ambiguity in such specification shall be construed in favour of the client.

**40. (1) An agreement made under section 39—**

Third party  
unaffected by  
agreement.

- (a) shall not effect the amount of, or any right or remedies for, the recovery of any costs payable by the client to, or to the client by any person other than the legal practitioner and that person may, unless he has otherwise agreed, require any such costs to be taxed according to the rules for the time being in force for the taxation of costs:

Provided that the client shall not be entitled to recover from any other person under any agreement costs more than the amount payable by him to his legal practitioner under the agreement;

- (b) shall be deemed to exclude any claim by the legal practitioner in respect of the business to which it relates other than—
  - (i) a claim for the agreed costs; or
  - (ii) a claim for such costs as are expressly excepted therefrom.

(2) A provision in any agreement that the legal practitioner shall not be liable for negligence for which he would otherwise be liable, or that he shall be relieved from any responsibility to which he would otherwise be subject, shall be void.

**41. (1) No action shall be brought upon any agreement made under section 39, but the High Court may, on the application by motion or petition of any person who is a party to, or the representative of a party to, the agreement or who is, or who is alleged to be, liable to pay or who is or claims to be entitled to be paid, the costs due or**

Court to  
enforce  
agreement.

alleged to be due in respect of the business to which the agreement relates, enforce or set aside the agreement and determine every question as to the validity or effect of the agreement.

(2) The High Court may, where it sets aside the agreement, order that the costs be taxed as if the agreement had never been made.

Court to re-open agreement.

**42.** When the amount agreed to under any agreement has been paid by or on behalf of the client or by any person entitled to do so, the person making the payment may, at any time within twelve months after payment, apply to the High Court and the Court, if it appears that the special circumstances of the case require the agreement to be reopened may, on such terms as may be just, reopen the agreement and may order the costs covered thereby to be taxed and the whole or any part of the amount received by the legal practitioner to be repaid by him.

Agreement to be laid before Master.

**43.** (1) Where any agreement is made by the client as the guardian or trustee under a deed or will for any person whose property will be chargeable with the whole or any part of the amount payable under the agreement, the agreement shall, before payment, be laid before the Master, and the Master shall examine the agreement, and may disallow the agreement or any part of it.

(2) Where any party to the agreement is dissatisfied with the decision of the Master, the Master shall, at the request of such party, submit the agreement to the High Court which shall make such order on it as it may think just.

Non-validation.

**44.** Nothing in this Part shall give validity to—

- (a) any purchase by a legal practitioner of the interest or any part of the interest of his client in any action, suit or other contentious proceedings; or

- (b) any agreement by which a legal practitioner retained or employed to prosecute any action, suit, or other contentious proceedings stipulates for payment only in the event of success in that action.

45. The High Court may order a legal practitioner to deliver to it—

Order for delivery of statement of fees etc.

- (a) a statement of fees, charges, disbursements, expenses and remuneration for work done by him on behalf of a client in a non-contentious matter, and may make all orders for the taxation of costs of a legal practitioner in any contentious or non-contentious matter; and
- (b) any deed, document or paper in his possession, custody or power.

46. Subject to section 19 and to this Part, every legal practitioner shall be entitled to sue for and recover his taxed bill of costs.

Bill of costs.

47. Where a legal practitioner is employed to prosecute or defend any action in any court, the court may declare such legal practitioner entitled in respect of his payment therefor to a charge upon any property recovered or preserved as a result of the efforts of the legal practitioner: and the court may make such order for taxation of and for raising and payment of such costs, charges and expenses out of the property as appears just to the court.

Entitlement to property recovered.

48. No action shall be brought to recover any costs, fees, charges or disbursements due to a legal practitioner for any work done by him until the expiration of one month after he has served on the party to be charged, a bill of the fees, charges and disbursements, signed by the legal practitioner or enclosed in or accompanied by a letter signed by him referring to the bill.

Action for recovery of costs etc.

Taxation of costs.

**49.** (1) On the application by the party chargeable with a bill, made within one month of the delivery of the bill, the court may order that the bill shall be taxed and that no action shall be commenced on the bill until the taxation is completed.

(2) Where no application is made within the period referred to in subsection (1), the court may on the application of either the legal practitioner or the party chargeable with the bill and upon such terms as it may consider fit, order that the bill be taxed.

Payments by trustees, executors or administrators.

**50.** Where a trustee, executor or administrator is liable to pay the bill of a legal practitioner, the High Court may upon the application of any person interested in any property out of which the trustee, executor or administrator has paid or is to pay the bill, and upon such terms as may seem fit, order the bill to be taxed, and may order such payments in respect of the amount found due to or by the legal practitioner and in respect of the costs of the taxation, to be made to or by the applicant or to or by the legal practitioner, or to the executor, administrator or trustee as the Court may see fit.

Scale of fees.

**51.** Without prejudice to the other provisions of this Part, no legal practitioner shall charge fees—

- (a) for drawing or preparing or endorsing his name and address on any instrument; or
- (b) for any other non-contentious matter dealt with or to be dealt with by him,

any amount exceeding such fees as may from time to time be specified in relation thereto in a scale of fees prescribed by Government Notice by the Council.

## PART VII—SENIOR ADVOCATES OF SIERRA LEONE

Senior Advocate of Sierra Leone.

**52.** (1) Subject to subsection (2), the Council may, after consultation with the Legal Practitioners' Privileges Committee established by subsection (3), by statutory instrument, confer on a legal practitioner the rank of Senior Advocate.

(2) The rank of Senior Advocate shall not be conferred on any person unless—

- (a) he is of not less than fifteen years' standing as a legal practitioner; and
- (b) he has practised as a legal practitioner for not less than twelve years; and
- (c) his selection for the conferment of the rank complies with the selection criteria prescribed in regulations made by the Council in that behalf.

(3) There is hereby established a committee to be known as the Legal Practitioners' Privileges Committee which shall consist of—

- (a) the Chief Justice who shall be chairman and who shall have a casting vote;
- (b) one Justice of the Court of Appeal nominated by the Chief Justice;
- (c) one Judge of the High Court nominated by the Chief Justice;
- (d) three legal practitioners of not less than fifteen years' standing elected by the Sierra Leone Bar Association.

(4) The Council may make regulations prescribing the functions of the Legal Practitioners' Privileges Committee.

**53.** The Council may, by statutory instrument, make rules prescribing anything required by this Act to be prescribed and, generally for carrying out the provisions of this Act, including rules for the imposition of fees for practising certificates.

Rules and  
Regulations.

Repeal.

**54. The following enactments are repealed: —**

- |                        |  |
|------------------------|--|
| Cap 11.                | (a) The Legal Practitioners Act;   |
| Act No. 51<br>of 1965. | (b) The Legal Practitioners (Disciplinary<br>Committee) Act;               |
| Act No. 1<br>of 1989.  | (c) Parts VI, VII and VIII of the Council of Legal<br>Education Act, 1989. |

**FIRST SCHEDULE***(Section) 14(4))***OATH, DECLARATION OR AFFIRMATION**

I, (name of legal practitioner) do swear (or solemnly, sincerely and truly declare/affirm) that I will truly and honestly discharge my duties as a legal practitioner in the capacity of barrister or solicitor or both to the best of my knowledge and ability.

**SECOND SCHEDULE***(Section) 19(1))***PRACTISING CERTIFICATE**

Section 19. PURSUANT to the Legal Practitioners Act, 2000, it is hereby certified that..... whose name is enrolled in the Roll of Court of Sierra Leone is entitled to practise as..... (insert the capacity or capacities in which the holder is enrolled to practise) in the year ending the 31st day of December, 20..... on this certificate being duly stamped.

Dated this ..... day of....., 20.....

.....  
*Secretary to the General Legal Council.*

**(Section 19 (2))**



the hour of ..... and so from day to day until the above matter is heard to give evidence respecting such matter and also to bring with you and produce at the time and place mentioned above ++.....

GIVEN under my hand this..... day of....., 20.....

.....  
*Chairman of Committee.*

- \* Name and address of person summoned.
- + Place where Committee is to meet.
- ++ Here specify the documents required.

Passed in Parliament this *29th* day of *August*, in the year of our Lord two thousand.

J. A. CARPENTER,  
*Clerk of Parliament.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER,  
*Clerk of Parliament.*