

Legal Profession (Amendment) Bill, 2017

ARRANGEMENT OF SECTIONS

Section

1. Section 8 of Act 32 amended
2. Section 13 of Act 32 amended
3. Section 13A of Act 32 inserted
4. Section 15A to 15C of Act 32 inserted
5. Section 16 of Act 32 amended
6. Section 16A of Act 32 amended
7. Section 16B of Act 32 inserted
8. Section 17 of Act 32 amended
9. Section 17A to 17D of Act 32 inserted
10. Section 18 of Act 32 amended
11. Section 19 of Act 32 amended
12. Section 19A of Act 32 inserted
13. Section 20 of Act 32 amended
14. Section 21 of Act 32 amended
15. Section 21A of Act 32 inserted
16. Section 23 of Act 32 amended
17. Section 56 of Act 32 amended
18. First Schedule to Act 32 amended

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ENTITLED

LEGAL PROFESSION (AMENDMENT) ACT, 2017

AN ACT to amend the Legal Profession Act, 1960 (Act 32) to provide for additional requirements for admission into the Ghana School of Law comprising passing an entrance examination and an interview conducted for that purpose; to provide for the training of lawyers with reference to pupillage and requirements for a solicitor's licence and to provide for the discipline of lawyers with respect to professional misconduct.

PASSED by Parliament and assented to by the President:

Section 8 of Act 32 amended

1. The Legal Profession Act, 1960 (Act 32) referred to in this Act as the principal enactment is amended in section 8

(a) by the substitution for subsection (3) of

“(3) A person who has not previously been entitled to practise as a solicitor in the Republic and who does not hold a qualifying certificate but has, after qualification, attended

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and satisfactorily completed the Post-Call Law Course of the Ghana School of Law, shall not be issued with a solicitor's licence unless that person satisfies the Council that since qualifying as a lawyer, that person has read for a period of not less than one year in the chambers of another lawyer of not less than seven years' standing approved by the Council."

(b) by the substitution for subsection (4) of

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

(c) by the substitution for subsection (5) of

"(5) The Council may, before issuing an annual solicitor's licence to a person, require that person to produce evidence specified by the Council showing that, that person has

(a) not been found guilty of professional misconduct in the Republic or in any other country;

(b) not been sanctioned for professional misconduct;

(c) undertaken at least twelve hours of continuing legal education programmes; and

(d) provided legal aid service."; and

(d) by the insertion after subsection (5) of

"(5A) The Council may review the requirements for the issuance of a solicitor's licence."

Section 13 of Act 32 amended

2. The principal enactment is amended in section 13 by the insertion after subsection (2) of

"(2A) The Council may allocate quotas to universities that the Council has approved to run the Bachelor of Laws programme."

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Section 13A of Act 32 inserted

3. The principal enactment is amended by the insertion after section 13 of

“Requirements for admission

13A. (1) A person is qualified for admission to the Ghana School of Law if that person has successfully passed an

- (a) entrance examination; and
- (b) interview

conducted for that purpose.”

Section 15A to 15C of Act 32 inserted

4. The principal enactment is amended by the insertion after section 15 of

“Independent Examinations Committee

15A. (1) The Council shall establish an Independent Examinations Committee.

(2) The Independent Examinations Committee shall

- (a) administer examinations for admission into the Ghana School of Law;
- (b) administer examinations for qualification for enrolment; and
- (c) administer any other examination mandated by the Council.

(3) The Independent Examinations Committee shall consist of a minimum of seven persons.

(4) A person is qualified to be appointed by the Council as a member of the Independent Examinations Committee if that person is

- (a) a Justice of the Superior Courts of Judicature or a retired Justice of the Superior Courts of Judicature;
- (b) a lawyer of not less than ten years’ standing at the Bar;
- (c) a legal academic who is at least of the level of a Senior Lecturer; or
- (d) a member of the Institute of Chartered Accountants, Ghana.

(5) The Council may reconstitute the Independent Examinations Committee.

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Tenure of office of members of Independent Examinations Committee

15B. (1) A member of the Independent Examinations Committee shall hold office for a period of not more than four years and is on the expiration of that period eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) The Council may

- (a) remove a member from the Independent Examinations Committee for a sufficient reason; and
- (b) fill a vacancy in the Independent Examinations Committee.

(3) Where a member of the Independent Examinations Committee is, for a sufficient reason, unable to act as a member, the chairperson shall determine whether the inability would result in the declaration of a vacancy.

(4) Where there is a vacancy

- (a) as a result of a declaration under subsection (3), or
- (b) by reason of the death of a member,

the chairperson shall notify the Council of the vacancy and the Council shall appoint a person to fill the vacancy.

Allowances

15C. A member of the Independent Examinations Committee shall be paid the allowances approved by the Council.”

Section 16 of Act 32 amended

5. The principal enactment is amended in section 16 by the substitution for subsection (1) of

“(1) A lawyer who is found guilty of professional misconduct is liable

- (a) to be issued with a reprimand letter from the Council;
- (b) to be prohibited from practising as a lawyer for a period specified in the order of suspension; or
- (c) to have the name of that lawyer struck off the Roll of Lawyers;

Section 16A of Act 32 amended

6. The principal enactment is amended in section 16A by the substitution for subsection (1) of