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CHAPTER 11.

LEGAL PRACTITIONERS.

An Ordinance to provide for the admission and practice of Legal Practitioners and other matters connected therewith.

9 of 1945.
5 of 1952.
23 of 1952.
16 of 1953.

[1ST JANUARY, 1946.]

1. This Ordinance shall be cited as the Legal Practitioners Ordinance, and shall apply to the Colony and Protectorate.

Short title.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

“barrister and solicitor” means a person enrolled as a barrister and solicitor on the roll of the Supreme Court under section 7;

“Chief Justice” means the Chief Justice of Sierra Leone;

“client” includes any person who, as principal or on behalf of another person, retains or employs a barrister and solicitor and any person who is or may be liable to pay the bill of costs of a barrister and solicitor;

“instrument” means any document relating to real or personal estate or any estate or interest therein, or 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 letter of attorney; or

(d) a transfer of stock containing no trust or limitation thereof;

“Judge” includes the Chief Justice;

“unqualified person” means a person not enrolled under section 7 to practise as a barrister and solicitor.

PART I.—ADMISSION OF BARRISTERS AND SOLICITORS.

Admission of
practitioners.

3. The Chief Justice may approve, admit and enrol to practise as a barrister and solicitor of the Court—

(1) any person who is entitled to practise as a barrister in England, Northern Ireland, or the Republic of Ireland, or as an advocate in Scotland, and who—

(a) produces testimonials sufficient to satisfy the Chief Justice that he is a person of good character; and

(b) (i) has read (either prior to or subsequent to his call or admission) in the country in which he has been called to the bar or admitted as advocate, for at least one year in the chambers of a practising barrister or advocate of more than five years standing; or

(ii) has at any time prior to his admission as a student of an Inn of Court or otherwise as a recognised bar student, read in the country in which he has been called to the bar or admitted as an advocate for at least one year in the office of a solicitor or writer to the signet or law agent of more than five years standing; or

(iii) has practised in the courts of the country in which he has been called or admitted for at least two years subsequent to his call or admission; or

(iv) has subsequent to his call or admission read in the Colony for at least two years in the chambers of a practising barrister of more than ten years standing; or

(v) has practised for at least two years as a barrister or solicitor in the courts of a British Colony or Protectorate or of a territory the Government of which is for the time being administered by some part of Her Majesty's Dominions; or

(vi) has obtained a certificate issued by the Council of Legal Education of London that he has attended a Post Final Course provided by the said Council and approved by the Chief Justice for the purposes of this section:

Provided that none of the qualifications mentioned in paragraph (b) of this sub-section shall be required in the case of any barrister or advocate who shall have been admitted as a student of an Inn of Court or otherwise as a recognised bar student before the first day of December, 1927;

(2) Any person who has been admitted as a solicitor, writer to the signet or law agent in any of the Superior Courts in England, Scotland or Ireland and who produces testimonials

sufficient to satisfy the Chief Justice that he is a person of good character.

4. The Chief Justice may, upon good cause shown, refuse to admit any person as a barrister and solicitor, notwithstanding that he may have the qualifications prescribed by this Ordinance.

Power of Chief Justice to refuse to admit.

5. (1) Every person who shall desire to be admitted under section 3 shall deposit in the office of the Master, for custody therein, his certificate of call to the bar or admission as an advocate, solicitor, writer to the signet or law agent, together with a copy thereof, and shall file in the Court an affidavit of identity in such form as may be approved by the Chief Justice:

Proof of call or admission.

Provided that the Chief Justice may, on special grounds, and upon such terms as he may think reasonable exempt any such person from complying with the formalities prescribed by this section, either absolutely or for any specified period.

(2) After any person has been admitted and enrolled as a barrister and solicitor the original of the certificate of call to the bar or admission as an advocate, solicitor, writer to the signet or law agent shall be returned to him on demand.

6. Every such person shall, before admission, take and subscribe the oath, or declaration and affirmation of allegiance, in the form prescribed by law, and also the oath of fidelity in his office in the form and manner following—

Oaths to be taken on admission of practitioners.

I, A. B., do swear (or solemnly, sincerely and truly declare and affirm) that I will truly and honestly demean myself in the office of a barrister and solicitor according to the best of my knowledge and ability.

7. Every person admitted to practise as a barrister and solicitor of the Court shall cause his name to be enrolled in a book to be kept for the purpose in the office of the Master, and to be called the Roll of Court, and no person whose name shall not be enrolled as aforesaid shall be entitled to practise:

Enrolment of practitioners.

Provided that the provisions relating to the admission, swearing and enrolment of barristers and solicitors shall not apply to a person appointed permanently or temporarily to the legal service of the Colonial Government and any such person shall be entitled during the period he is so appointed, subject to the Governor's directions, to practise as a barrister and solicitor of the Court notwithstanding the said provisions.

Certificate of
enrolment.

8. Every person so enrolled as a barrister and solicitor shall be granted a certificate of enrolment under the seal of the Court by the Master.

PART II.—PRIVILEGES, RESTRICTIONS AND OFFENCES
IN CONNECTION WITH PRACTICE.

Practice of
Queen's
counsel.
16 of 1953.

9. (1) No person enrolled under section 7 who has the rank of Queen's Counsel shall perform any of the functions which, in England, are performed by a solicitor and are not performed by a barrister; but a person enrolled under section 7 who has the rank of Queen's Counsel shall not be precluded from continuing or engaging in partnership with another barrister and solicitor by reason only that such last-mentioned barrister and solicitor performs any functions as aforesaid.

(2) This section shall not apply to a Law Officer of the Crown.

Right to
practise and
liability.

10. Every person to whom a certificate of enrolment is granted under the provisions of section 8 shall be entitled to practice—

(i) in the Supreme Court in all matters concerning legal proceedings instituted therein;

(ii) in any Magistrate's Court in the Colony—

(a) in all criminal matters; and

(b) in civil matters where the amount involved exceeds the sum of five pounds;

(iii) in any Magistrate's Court in the Protectorate—

(a) in all criminal matters; and

(b) in civil matters where the amount involved exceeds the sum of twenty-five pounds.

Barristers
and solicitors
to be subject
to same
liabilities for
negligence as
in England.

11. Where any barrister and solicitor renders to any client professional services of the same nature as those rendered to clients by solicitors in England such barrister and solicitor shall be subject in respect of such services to the same liabilities for negligence and otherwise as solicitors in England are subject under the law of England.

Right of
present
practitioners.

12. All persons entitled at the commencement of this Ordinance to practise as barristers and solicitors shall be deemed for the purposes of this Ordinance to be barristers and solicitors.