

Enacted this 25th day of September, 1989.

J. S. MOMOH,  
President.

LS

REG. NO. 1568	CLASS NO.
EDUCATION	CHECKED BY

SIERRA LEONE LAW SCHOOL  
LIBRARY  
1989

No. 1



Sierra Leone

### The Council of Legal Education Act, 1989

Short title.

Being an Act to make further provision with respect to the Legal Profession by establishing a Council of Legal Education in Sierra Leone for the purpose of training and educating members of the Legal Profession and for restricting to suitably qualified persons the right to practise that profession; and for connected purposes.

Date of  
Commence-  
ment.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

#### PART I—PRELIMINARY

1. This Act shall come into force on such day or days as the Minister may by Notice published in the *Gazette* appoint.

the  
Commence-  
ment.

Interpreta-  
tion.

2. In this Act unless the context otherwise requires:—

“Council” means the Council of Legal Education established under Section 3 of this Act;

“Master” means the Master and Registrar of the High Court of Sierra Leone;

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

“Roll” means the Roll established under Section 17 of this Act;

“Temporary Register” means the Register referred to in Section 19 of this Act.

## PART II—ESTABLISHMENT OF COUNCIL OF LEGAL EDUCATION

Establishment of Council of Legal Education.

3. (1) There shall be established a body, to be known as the Council of Legal Education, in this Act referred to as “the Council”, which shall be a body corporate with perpetual succession and a common seal and shall possess full juridical personality and, in particular, full capacity—

(a) to contract;

(b) to acquire and dispose of moveable and immovable property; or

(c) to institute and defend legal proceedings.

(2) The Council shall be responsible for the education of persons seeking to become members of the legal profession.

Constitution and Tenure of Office of the Council.

4. (1) The Council shall consist of—

(a) The Honourable the Chief Justice who shall be Chairman

(b) The Honourable Attorney-General and Minister of Justice or his representative;

(c) The Honourable Minister of Education or his representative;

(d) The Vice-Chancellor of the University of Sierra Leone or his representative;

(e) The Dean of the Faculty of Law, Fourah Bay College or his representative;

(f) One Justice or Judge of the Superior Court of Judicature to be nominated by the Chief Justice;

- (g) Two Legal Practitioners of the Sierra Leone Bar Association of not less than ten years standing to be nominated by the Bar Association;
- (h) The Director of the Law School;
- (i) A representative of the Employers Federation;
- (j) A member appointed by the Attorney-General and Minister of Justice in consultation with the Chief Justice;

(2) A person appointed as a member of the Council in pursuance of paragraph (f), (g), (i), or (j) of subsection (1) shall, unless he previously resigns or is removed from office, hold office for such period not exceeding three years as may be specified in his instrument of appointment and shall on ceasing to hold office be eligible for re-appointment.

5. The quorum of the Council shall be five and the Council may regulate its own procedure and the validity of any proceedings of the Council shall not be affected by any defect in the appointment of any member or by reason that a person not entitled to do so took part in the proceedings.

Quorum and Proceedings.

### PART III—FUNCTIONS OF THE COUNCIL

6. The Council shall—

- (a) establish and maintain a School of Law to be known as the Sierra Leone Law School;
- (b) appoint a Board of the Law School, a Director of the Law School, Lecturers, academic and other staff;
- (c) conduct or cause to be conducted professional and training courses and examinations;
- (d) approve courses of study for prospective legal practitioners;
- (e) evaluate courses of study provided by, and accord appropriate recognition of legal qualifications obtained in, other institutions;
- (f) issue a Certificate for Call to the Bar on satisfactory completion by any person of the course of study and professional training at the Law School;
- (g) establish legal qualifications for lecturers of the Law School and make provisions for sponsoring "chairs" of Law at Universities;
- (h) provide a suitable library for the Law Students.

Duties and functions of the Council.

Power of the Council. 7. The Council may do such other things as are necessary to carry into effect the provisions of this Act.

#### PART IV—DIRECTOR OF THE SIERRA LEONE LAW SCHOOL

Director of the School of Law.

8. A person may be appointed as Director of the Sierra Leone Law School if—

- (a) he is the holder of such qualifications as are required for appointment as a Professor in the Faculty of Law in the University of Sierra Leone or any other academic qualification of high academic standing in the field of Law; and,
- (b) he is a Legal Practitioner who has on the date of application, or had at any time prior to that date, been in active legal practice for not less than ten years.

Duties and Functions of Director.

9. Any person appointed as Director of the Sierra Leone Law School shall—

- (a) act as Head of the Law School;
- (b) act as Secretary to the Council and liaise between the Council and the School;
- (c) be responsible for the admission of students to the Law School in accordance with the Regulations laid down by the Council;
- (d) submit an annual report on the activities of the Law School to the Council;
- (e) convene meetings of the Council in liaison with the Chairman;
- (f) perform such other duties and functions as the Council may from time to time assign to him.

#### PART V—PRACTICE OF THE LAW—THE ROLL

Restriction on the practice of Law.

10. Subject to the provisions of this Act, no person shall practise law in Sierra Leone after the coming into effect of this Act unless his name has been entered on the Roll.

#### PART VI—QUALIFICATIONS OF LEGAL PRACTITIONER—ADMISSION TO PRACTISE

Qualifications to Practise as a Legal Practitioner.

11. After the commencement of this Act, no person shall be admitted as a Legal Practitioner unless—

(a) he is—

- (i) the holder of a degree in Law awarded by the University of Sierra Leone of such level as the Council may prescribe; or
- (ii) the holder of any other Degree in Law of a recognised University or other Institution of higher learning of a Commonwealth country approved by the Council; and

(b) he has passed the appropriate professional examinations conducted by the Council of Legal Education in Sierra Leone 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.

12. The period of employment of a prospective Legal Practitioner as a Law Officer for a period of eighteen months shall, for the purposes of paragraph (b) of Section 11 of this Act, be reckoned to be service under Pupillage.

13. (1) Any person who wishes to be admitted to practise Law in Sierra Leone shall make a written application addressed to the Chief Justice and lodged with the Master and Registrar of the High Court. Application for admission.

(2) An application under sub-section (1) shall be accompanied by—

- (a) two Testimonials of good character sufficient to satisfy the Chief Justice;
- (b) copies of the Certificate testifying that he holds the qualifications specified in Section 11.

(3) The Master and Registrar shall forward a copy of the application to the Attorney-General and Minister of Justice.

(4) On receipt of an application under subsection (1), the Master and Registrar shall cause a copy to be posted up at a conspicuous place in the Main Law Courts Building.

14. (1) Any person who wishes to object to an application under Section 13 shall, within fifteen days of the posting up of the copy of the application under sub-section (4) of Section 13, lodge a written notice of objection with the Master and Registrar. Objection to application.

(2) Where an objection is made under sub-section (1), the Chief Justice or a Judge designated by him for the purpose shall—

*Repealed by  
Act 15/2000*

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Act 15/2000*

- (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 so appointed.

(3) An objection under sub-section (1) shall be heard and determined in Chambers.

Power of Chief Justice to admit or refuse admission, and review of refusal to admit.

15. (1) The Chief Justice may admit to practise as a Barrister and Solicitor of the Court any person who has the qualifications prescribed by this Act.

(2) 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 Act.

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

Oaths and Affirmations.

16. Every 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—

I, A.L., 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.

#### PART VII—ENROLMENT, TEMPORARY REGISTER AND FEES

The Roll of Court.

17. Every person admitted to practise as a Barrister and Solicitor of the Court after the coming into force of this Act shall cause his name to be enrolled in a book to be kept for that purpose in the office of the Master and Registrar, and to be called the Roll of Court, and no person whose name is not so enrolled shall be entitled to practise.

Certificate of enrolment.

18. Every person so enrolled as Barrister and Solicitor shall be granted a Certificate of Enrolment under the Seal of the Court by the Master and Registrar.

The Temporary Register.

19. (1) A Temporary Register shall be kept for the registration of Pupil Barristers who are—

- (a) reading in the Chambers of a Practising Barrister under paragraph (b) of Section 11 of this Act;
- (b) in the Legal Service of the Government of Sierra Leone under Section 12 of this Act.

*Appealed by  
Act 15/2000*

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(b) in the Legal Service of the Government of Sierra Leone under Section 12 of this Act.

(2) The Chief Justice may approve and cause to be entered in the Temporary Register any person who—

(a) is entitled to practise as a Barrister in England, Northern Ireland or the Republic of Ireland or as an Advocate in Scotland; and

(b) produce testimonials sufficient to satisfy the Chief Justice that he is a person of good character.

(3) Any person who desires to be registered in the Temporary Register shall deposit in the Office of the Master for custody therein his Certificates of Call to the Bar or admission as an advocate 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.

(4) After any person has been registered in the Temporary Register, the original of the Certificate of Call to the Bar or admission as an Advocate shall be returned to him on demand.

(5) Any person so registered in the Temporary Register shall be granted a Certificate of Temporary Registration under the Seal of the Court by the Master.

(6) Any person to whom a Certificate of Temporary Registration is granted pursuant to sub-section 1 (a) and (b)—

(a) shall have a right of audience in any Magistrate or District Appeal Court in Sierra Leone in all Criminal and Civil matters;

(b) shall not be entitled to practise or have a right of audience in the Superior Court of Judicature or before any Commission of Inquiry presided over by a Judge of the Superior Court of Judicature or a person who has held Office as Judge of the Superior Court of Judicature, for a period of one year;

(c) shall not practise as a Solicitor, or render any services or do any work normally performed by a Solicitor in England, Northern Ireland or the Republic of Ireland.

Provided that a person to whom a Certificate of Temporary Registration has been granted and who is in the Legal Service of the Government of Sierra Leone shall be entitled to practise or have a right of audience in the High Court.

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

*Repealed by  
Act 15/2000*

(8) The Enrolment Fee for a person admitted to practise as a Barrister and Solicitor of the Court shall be Two Thousand Leones.

#### PART VIII—SAVINGS AND TRANSITIONAL PROVISION

Transitional  
Provision.

20. Any person who—

- (a) on 1st October, 1989 is qualified to practise as a Barrister or Solicitor in Sierra Leone; or
- (b) prior to 1st October, 1991 was undergoing or had been accepted for a Course of Legal Training leading to any present qualification to practise and who satisfies the requirements of such Course on or before 31st December, 1995;

shall be recognised as professionally qualified for admission to practise Law in Sierra Leone.

#### PART IX—MISCELLANEOUS

Officers and  
Servants of  
the Council

21. Without prejudice to its powers under Section 6 of this Act, the Council may appoint such officers and servants as are deemed necessary by the Council for the proper discharge of its functions, upon such terms and conditions of service as the Council may determine.

Power to  
make Regu-  
lations.

22. (1) The Council may make regulations as it thinks fit for the carrying into effect the purposes of this Act.

(2) Any regulations made under sub-section (1) may provide for the taking of fees and the levying of charges.

Passed in Parliament this 10th day of August, in the year of our Lord one thousand nine hundred and eighty-nine.

C. B. FOFANA,  
*Acting 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.

C. B. FOFANA,  
*Acting Clerk of Parliament.*