

ACTS

Supplement to the Sierra Leone Gazette Vol. CXV, No. 40

dated 14th June, 1984

SIGNED this 6th day of June, 1984.

SIAKA STEVENS
President.

LS



No. 5

1984

Sierra Leone

The Legal Practitioners (Amendment) Act, 1984

Short title.

Being an Act to amend the Legal Practitioners Act (Cap. 11)

[14th June, 1984] Date of
commence-
ment.

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

Part III of Legal Practitioners Act (Cap 11) replaced.

1. The Legal Practitioners Act (Cap. 11) is hereby amended by the substitution for Part III thereof of the following new Part—

“PART III—PREPARATION OF INSTRUMENTS

Unqualified persons not to make instruments.

15 (1) Notwithstanding any law to the contrary, no unqualified person shall draw or prepare any instrument or endorse or cause to be endorsed on it his name or address or both:

Provided that a person to whom a Certificate of Temporary Registration has been granted under section 7A of this Act, shall not, subject to the provisions of that section, be deemed to be an unqualified person under this subsection for the purpose of drawing or preparing an instrument.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable on summary conviction,—

- (a) in the case of a first offence, to a fine not exceeding one thousand leones, or
- (b) in the case of a second offence, to a fine not exceeding two thousand leones, and
- (c) in the case of a third or subsequent offence, to a term of imprisonment not exceeding twelve months.

(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 prosecutor.

Name and address of barrister and solicitor to be endorsed on instrument.

16. (1) Any barrister and solicitor who draws or prepares any instrument shall endorse or cause to be endorsed on it his name and address.

(2) Any barrister and solicitor who fails to comply with subsection (1) of this section shall be liable to a penalty of two hundred leones recoverable at the instance of the Administrator and Registrar-General as a civil debt in a Magistrate’s Court.

Instruments not complying with Act not to be registered under Cap. 256.

17. (1) Notwithstanding any law to the contrary, no instrument which does not comply with the provisions of this Part of this Act shall be accepted by the Administrator and Registrar-General for registration under the Registration of Instruments Act (Cap 256).

(2) Any person who knowingly or recklessly registers or causes any instrument to be registered contrary to the provisions of subsection (1) of this section, shall be guilty of an offence and liable on summary conviction,—

- (a) in the case of a first offence, to a fine not exceeding one thousand leones, or
- (b) in the case of a second offence, to a fine not exceeding two thousand leones, and
- (c) in the case of third or subsequent offence, to a term of imprisonment not exceeding twelve months.

Liability for negligent drawing or preparation of instruments.

18. Any barrister and solicitor who—

- (a) negligently draws or prepares any instrument, or
- (b) endorses his name and address or causes his name and address to be endorsed on, any instrument which has been negligently drawn or prepared,

shall be liable in negligence to pay the client who has suffered any pecuniary loss as a result of the instrument having been negligently drawn or prepared, such damages as the Court may think fit to award.

Non-application in certain cases.

19. Nothing in this Part shall apply to—

- (a) the mere engrossing of an instrument by any person;
- (b) the drawing or preparing of an instrument by a public officer in the course of his duty as such."

2. The principal Act is hereby further amended by renumbering sections 22 to 34 as sections 20 to 32 respectively.

Sections 22 to 34 of principal Act renumbered.

3. The principal Act is hereby further amended by the insertion at the end of Part IV thereof of the following new section—

Maximum fees to be charged by barristers and solicitors for non-contentious matters.

"Maximum fees to be charged by barristers and solicitors for non-contentious matters.

33. (1) Without prejudice to the other provisions of this Part of this Act, no barrister and solicitor shall be entitled to charge as fees—

- (a) for drawing or preparing, or for endorsing his name and address on, any instrument,
- OR

(2) Any person who knowingly or recklessly registers or causes any instrument to be registered contrary to the provisions of subsection (1) of this section, shall be guilty of an offence and liable on summary conviction,—

- (a) in the case of a first offence, to a fine not exceeding one thousand leones, or
- (b) in the case of a second offence, to a fine not exceeding two thousand leones, and
- (c) in the case of third or subsequent offence, to a term of imprisonment not exceeding twelve months.

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33. (1) Without prejudice to the other provisions of this Part of this Act, no barrister and solicitor shall be entitled to charge as fees—

- (a) for drawing or preparing, or for endorsing his name and address on, any instrument, or

(b) in respect of 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 notice in the Gazette by the Attorney-General and Minister of Justice in consultation with the Chief Justice and the Sierra Leone Bar Association.

(2) In this section, "instrument" includes the documents referred to in paragraphs (a) to (d) of the definition of "instrument" in section 2 of this Act."

Passed in Parliament this 17th day of May in the year of our Lord one thousand nine hundred and eighty-four.

R. C. O. GILPIN-JACKSON
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.

R. C. O. GILPIN-JACKSON
Acting Clerk of Parliament