

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

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

Right of
appeal.

37. (1) Where, upon the recommendations of the Disciplinary Committee, the Council decides to take any disciplinary measures, the legal practitioner into whose conduct the inquiry was made shall be notified accordingly and he may, within three months from the date on which the decision of the Council 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 Council under subsection (1) may also appeal to the Court of Appeal.

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

Passed in Parliament this *25th* day of *November*, in the year of our Lord two thousand and four.

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 correct printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.

SIGNED this *1st* day of *December*, 2004.

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 13



2004

The Legal Practitioners (Amendment) Act, 2004.

Short title.

Being an Act to amend the Legal Practitioners Act, 2000.

[19th December, 2004] Date of commencement.

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

Section 15 of Act No.15 of 2000 replaced.

1. Section 15 of the Legal Practitioners Act, 2000 is repealed and replaced by the following:–

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

- (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
- (c) 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.

(3) Notwithstanding subsection (2), a person referred to in paragraphs (a) and (b) of subsection (1) shall be granted an exemption from the requirements of section 10 in respect of his employment as a legal practitioner either in the Judicial and Legal Service or otherwise in the service of the State, while he remains so employed”.

Sections 36 and 37 of Act No. 15 of 2000 replaced.

2. Sections 36 and 37 of the principal Act are hereby repealed and replaced by the following sections:–

“**36. (1)** After holding an inquiry into a disciplinary case, the Disciplinary Committee shall submit a report of the inquiry to the Council in which it shall state whether the allegations inquired into have been proved, and if it so states, it shall recommend to the Council to 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 Council may, if it thinks fit, postpone either indefinitely or for a specified period, the making of its decision whether to take the disciplinary measures recommended by the Disciplinary Committee under subsection (1).