

The Legal Practitioners Ordinance, 1933.

No. 2 of
1933.

“ Legal Practitioner ” means any person entitled to practise by virtue of the provisions of section three of this Ordinance. Provided that—

- (1) for the purposes of Part IV the expression shall include any person who was so entitled at the time the business to which Part IV relates was done; and
- (2) for the purposes of Part V the expression shall not include a legal practitioner who has been temporarily suspended from practice.

“ Rules of Court ” means Rules of Court made under the Supreme Court Ordinance of the Gold Coast Colony.

Gold Coast
Colony
Cap. 158

PART II.

ADMISSION TO PRACTICE.

3. Any person whose name is on the Roll of the Supreme Court of the Gold Coast Colony by virtue of the Legal Practitioners Ordinance, 1931 of that Colony shall be entitled subject to the conditions and limitations of this Ordinance to practise as a barrister and solicitor in every Court in Ashanti.

Right of
Gold Coast
Legal Practitioners to
practise in
Ashanti Gold
Coast Colony
No. 5 of 1931
Proviso

Provided that :—

- (1) Suspension from practice in the Gold Coast Colony under the provisions of the Legal Practitioners Ordinance, 1931 shall operate simultaneously and for the same period as suspension from practice in Ashanti.
- (2) No legal practitioner shall be permitted to appear before any Court in any case on appeal from a Native Tribunal or on appeal from the decision of any Court made on appeal from a Native Tribunal.
- (3) In any civil case (other than one of those mentioned in proviso (2)) before any Court the presiding officer of the Court may prohibit the appearance of a legal practitioner if he is satisfied that, having regard to the trivial nature of the issues involved, or to the poverty of the parties, or either of them, it would not be in the interest of justice that counsel should appear.

Gold Coast
Colony No. 5
of 1931

4. Every barrister shall be entitled to practise also as a solicitor, and every solicitor shall be entitled to practise also as an advocate, and to sue for and recover his fees, subject to the provisions of this Ordinance.

Right of
barrister to
practise as
solicitor, and
of solicitor
to practise
as advocate

No. 2 of
1933.

The Legal Practitioners Ordinance, 1933.

Recovery of
fees by and
legal liabilities of
barrister

5. Every barrister, whether practising also as a solicitor or not, may sue for and recover his fees subject to the provisions of this Ordinance in respect of services rendered, but he shall be subject to all such liabilities as attach by law to a solicitor in whichever capacity his services may have been rendered.

No person
to practise
as solicitor
without
taking out
an annual
licence
Gold Coast
Colony No. 5
of 1931

6. (1) Notwithstanding anything contained in this Ordinance, it shall not be lawful for any person other than a Law Officer, to practise as a solicitor unless he shall first have taken out in the Gold Coast Colony the annual licence required by section eight of the Legal Practitioners Ordinance, 1931 of the Gold Coast Colony.

(2) Every person save as aforesaid who directly or indirectly acts or practises as a solicitor without having in force at the time a duly stamped licence granted under this section shall forfeit fifty pounds and shall be incapable of maintaining any action for the recovery of any fee, reward or disbursement on account of or in relation to any act or proceeding done or taken by him in such capacity; and any person in whose name, either alone or together with any other person, any proceeding is taken in any Court, shall, unless the proceeding is set aside by the Court as irregular, or unless the contrary is otherwise satisfactorily proved, be deemed to have acted in such proceeding.

(3) The said sum of fifty pounds may be sued for by action or proceeding brought in the name of the Attorney-General, and may be recovered with full costs of suit.

Penalty for
unlawfully
practising

7. (1) Any person who not being a legal practitioner practises as a barrister or a solicitor, or in either of these characters, or in any other character prepares any documents for reward, either direct or indirect, to be used in or concerning any cause or matter before the Court, shall be guilty of a misdemeanour and shall be liable on conviction thereof to a fine not exceeding twenty pounds, and for a second offence to imprisonment, with or without hard labour, for any period not exceeding six months, in addition to, or in substitution for, a fine which may amount to one hundred pounds; but this section shall not be construed to exempt any person from any prosecution under the provisions of any other Ordinance to which he would otherwise be liable.

(2) The Attorney-General may authorise generally or in any particular case any police officer to conduct the prosecution before the Chief Commissioner's Court and such police officer shall not be deemed to be practising as a barrister or solicitor within the meaning of sub-section (1) of this section.

8.
officer

9.
subject
case p
as to a

10
any ca
in any
notice
of the
But un
him, t
the pa
any sp
not b
re-eng
from :

1
been c
ground
been s
by a
practi
enter
shall,
be or
party
to ha
neglec
him,
again

7
liabili
menti
other

The Legal Practitioners Ordinance, 1933.

No. 2 of 1933.

8. Every legal practitioner shall be deemed to be an officer of the Court.

Practitioners deemed officers of Court

9. The right to practise granted by this Ordinance shall, subject to the provisions of this Ordinance apply as well to a case pending at the date of commencement of this Ordinance as to a case instituted or arising subsequent thereto.

Application to pending cases

PART III.

EMPLOYMENT OF LEGAL PRACTITIONERS.

10. A party suing or defending by a legal practitioner in any cause or matter shall be at liberty to change his solicitor in any cause or matter without an order for that purpose upon notice of such change being filed in the office of the Registrar of the Court in which such cause or matter may be proceeding. But until such notice is filed and a copy thereof served upon him, the former solicitor shall be considered the solicitor of the party until final judgment, unless allowed by the Court for any special reason to cease from acting therein; but he shall not be bound, except under express agreement or unless re-engaged, to take any proceedings in relation to any appeal from such judgment.

Change of legal practitioner during hearing of a cause

11. Where it appears to the Court that any cause has been commenced or carried on maliciously or without probable grounds, and the party by or on whose behalf such cause has been so commenced or carried on has been represented therein by a legal practitioner, or if it appears that any legal practitioner has by any sort of deceit induced his client to enter into or continue any litigation, every such legal practitioner shall, on failure of his client to pay any costs which he may be ordered to pay, be liable to pay the amount thereof to the party to whom costs are given. Such failure shall be deemed to have taken place if the client shall have refused or neglected to make payment after a demand has been made on him, although no process of execution may have been used against him.

Liability to pay costs

This section shall not be construed so as to restrict the liability of any legal practitioner in respect of the above-mentioned or any other misconduct for which he would otherwise be punishable.

No. 2 of
1933.

The Legal Practitioners Ordinance, 1933.

Restriction
as to costs
where legal
practitioner
is engaged
only on one
side

12. Whenever in any cause a legal practitioner is engaged only on one side, if the party not so represented shall be unsuccessful, and costs be given against him, the successful party shall only be entitled to recover such costs as between party and party as would have been recoverable by him if he had not employed a legal practitioner, unless the Court shall certify (for reasons stated on the minutes) that he ought also to recover barrister's and solicitor's cost.

Costs
recoverable

13. No legal practitioner shall be entitled to recover any costs in respect of any proceedings beyond the amount applicable to such proceedings which may be allowed by the authorised scale of fees or, in matters not therein included, which the Court may allow on taxation, having regard to the skill, labour and responsibility involved.

Legal
practitioner
not to
receive
money
without
leave

14. No legal practitioner shall, without special leave of the Court, receive any money or property paid or recovered in or the subject of any cause or matter; and any receipt or discharge for such money or property granted by any such legal practitioner, otherwise than by authority of the Court, shall be void.

Table of fees
and rules of
Court to be
exhibited

15. Every legal practitioner shall exhibit in a conspicuous place in the office or place in which he receives or transacts business with his clients, such copies of tables of fees and rules of Court as the Court may at any time direct to be so exhibited.

Agreements
inconsistent
with this
Ordinance to
be void

16. Any agreement intended to secure to a legal practitioner any remuneration, or to constitute any conditions of his employment other than authorised by this Part, shall be null and void, and if a legal practitioner enters into any such agreement, or receives any larger amount than authorised, either directly or indirectly, through any other person, for his use or benefit, he shall refund the whole amount of the overcharge, and shall be liable to a fine which may extend to double the amount of the overcharge or to twenty pounds.

Exclusion
of "touts"
from Court
precincts

17. The Circuit Judge may by general or special order exclude from the precincts of the Court any person declared by him to be a "tout" within the meaning of the next section; provided that no such order shall be made unless the party concerned has had opportunity of showing cause against such order.

Meaning of
"tout"

18. "Tout" means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such legal practitioner or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.

The

RECOVER

19. No le
the recovery of
barrister or sol
he has delivered
by registered le
business, dwelli
of such fees,
practitioner (or
the partners, ei
partnership) or
signed in like r

20. Upon
within such mo
it shall be lawfu
of the legal pra
officer of such
practitioner from
pending such re

21. In cas
as provided in t
such reference
of the legal pra
such conditions
proper, and the
commencing or
pending such re
proper.

22. No suc
application made
has been obtaine
such legal pra
twelve months a
sent, or left as a
be proved to the
for such referenc

23. Upon a
practitioner or t
refuses or neglec
may proceed to t

*The Legal Practitioners Ordinance, 1933.*No. 2 of
1933.

PART IV.

RECOVERY OF FEES BY LEGAL PRACTITIONERS.

19. No legal practitioner shall commence any suit for the recovery of any fees for any business done by him as a barrister or solicitor until the expiration of one month after he has delivered to the party to be charged therewith or sent by registered letter to, or left for him at his office, place of business, dwelling house or last known place of abode a bill of such fees, such bill either being signed by such legal practitioner (or in the case of a partnership by any of the partners, either in his own name or in the name of the partnership) or being enclosed in or accompanied by a letter signed in like manner referring to such bill.

Bill to be
sent before
suit

20. Upon the party to be charged applying to the Court within such month as in the last preceding section mentioned it shall be lawful for the Court to refer the bill and the demand of the legal practitioner to be taxed and settled by the taxing officer of such Court and the Court shall restrain such legal practitioner from commencing any suit touching such demand pending such reference.

Application
of party
charged to
tax bill

21. In case no application is made within one month, as provided in the last preceding section, it shall be lawful for such reference as aforesaid to be made upon the application of the legal practitioner, with such directions and subject to such conditions as the Court making the reference shall think proper, and the Court may restrain the legal practitioner from commencing or prosecuting any suit touching such demand pending such reference upon such terms as shall be thought proper.

Where no
application
to tax made
within one
month

22. No such reference as aforesaid shall be directed upon application made by the party to be charged after judgment has been obtained in any suit for the recovery of the fees of such legal practitioner as aforesaid or after expiration of twelve months after any bill as aforesaid has been delivered, sent, or left as aforesaid except under special circumstances to be proved to the satisfaction of the Court to which application for such reference is made.

Where appli-
cation not
to be granted

23. Upon any reference as aforesaid, if either the legal practitioner or the party to be charged, having due notice, refuses or neglects to attend the taxation, the taxing officer may proceed to tax and settle the bill *ex parte*.

Non-attend
ance of
party at
taxation

933.

practitioner is presented shall the successful costs as between him if he the Court shall he ought also

to recover any and the amount allowed by the herein included, ng regard to the

special leave of paid or recovered and any receipt or ited by any such ity of the Court,

it in a conspicuous ceives or transacts s of fees and rules to be so exhibited.

ecure to a legal tute any conditions this Part, shall be nters into any such t than authorised, ther person, for his amount of the over- hich may extend to twenty pounds.

eral or special order any person declared g of the next section; ade unless the party g cause against such

procures the employ- legal practitioner in ing from such legal itioner to procure his consideration of such

No. 2 of
1933.

The Legal Practitioners Ordinance, 1933.

Costs of
taxation

24. If on any reference as aforesaid the party to be charged shall attend on taxation the cost of the reference shall (except as provided in the next section) be paid according to the event of such taxation: that is to say, if such bill when taxed be less by a sixth part than the bill delivered, sent, or left then such legal practitioner shall pay such costs, and if such bill when taxed shall not be less by a sixth part than the bill delivered, sent, or left, then the party to be charged, making such application or so attending shall pay such costs.

Form of
order to be
made

25. Every order to be made for any reference as aforesaid shall direct the taxing officer to certify what shall be found to be due to or from such legal practitioner in respect of the bill, including the costs of the reference. Provided that the taxing officer may certify especially any circumstances relating to such bill or reference and the Court may make any such order as it may think right respecting the costs of such reference. Provided also that where any reference is made under section twenty-two the Court may, if it thinks fit, give any special directions relative to the cost of such reference.

Proof of
compliance
with Ordin-
ance

26. It shall not in any case be necessary in the first instance for any legal practitioner in proving a compliance with the provisions of this Part to prove the contents of the bill he may have delivered, sent or left, but it shall be sufficient to prove that a bill for fees signed in the manner provided or enclosed in or accompanied by such letter as provided was duly delivered, sent or left.

Completion
of taxation

27. Upon the completion of the taxation of any bill referred as aforesaid, the taxing officer shall submit for the approval of the Court the result of his taxation, including costs, and, subject to the proviso as to review, the amount approved by the Court shall be final and conclusive as to the amount of the bill and costs; provided that the Court may in its discretion review any such approval on the application of either party made within twenty-one days of the approval. And it shall be lawful for the Court to order that judgment be entered for the amount approved, unless the retainer is disputed, or to make such other order therein as the Court may deem proper.

Power of
Court to
order
delivery of
bill or of
documents
etc.

28. It shall be lawful for the Court to make an order for the delivery by any legal practitioner of any bill of fees for business done by him; and the Court shall have the same powers as the High Court of Justice in England with respect to making orders for the delivery up by a practitioner of any deeds, documents or things in his possession, custody or power.

29.

legal p
fees ag
his bill
such Co
the deliv
Court th
chargeal
bankrupt
which in
delay suc

30.

refer any
deeds, de
of the le

31.

executor,
respect o

PREPARATI

32.

shall indo
address; a
of an offe
fine not es

33. I

directly or
reward, dr
contravenir
an offence
fifty pound

34. (

ment of thi
other than
drawing or

(2

Ordinance,
any fee or r
Ordinance d
instrument n
reward from

The Legal Practitioners Ordinance, 1933.

No. 2 of 1933.

29. It shall be lawful for the Court to authorise any legal practitioner to commence a suit for the recovery of his fees against the party chargeable therewith, and also to refer his bill of fees to be taxed and settled by the taxing officer of such Court, although one month may not have expired from the delivery of such bill, on proof to the satisfaction of the Court that there is probable cause for believing that the party chargeable is about to quit the Colony, or to become a bankrupt, or to take any other steps or to do any other act which in the opinion of the Court would tend to defeat or delay such legal practitioner in obtaining judgment.

Where practitioner may begin suit within month of delivery of bill

30. All applications made under this Ordinance to refer any bill to be taxed and settled or for the delivery up of deeds, documents or things shall be by motion in the matter of the legal practitioner concerned.

Applications to be by motion

31. The provisions of this Part shall extend to the executor, administrator and assignee of a legal practitioner in respect of business done by such legal practitioner.

Extension to representatives and assignees of legal practitioners

PART V.

PREPARATION OF INSTRUMENTS BY UNAUTHORISED PERSONS.

32. Every person who draws or prepares any instrument shall indorse or cause to be indorsed thereon his name and address; and any such person omitting so to do shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

Name and address of draughtsman to be indorsed on instruments

33. No person other than a legal practitioner shall either directly or indirectly for or in expectation of any fee, gain or reward, draw or prepare any instrument; and any person contravening the provisions of this section shall be guilty of an offence and on conviction thereof shall be liable to a fine of fifty pounds.

Unqualified persons not to draw or prepare instruments

34. (1) An agreement entered into after the commencement of this Ordinance to pay a fee or reward to any person, other than a legal practitioner, in consideration of such person drawing or preparing any instrument is void.

Agreement to pay fee or reward to an unqualified person to be void

(2) Any person who, after the commencement of this Ordinance, pays to any person, other than a legal practitioner, any fee or reward for having after the commencement of this Ordinance drawn or prepared or agreed to draw or prepare an instrument may sue for and recover the amount of such fee or reward from the person to whom the same was paid.

Fee or reward paid under void agreement recoverable

No. 2 of
1933.

The Legal Practitioners Ordinance, 1933.

—
Savings for
public
officers and
engrossing

Power to
except any
class of
instrument

35. Nothing in this Part shall apply to any public officer drawing or preparing an instrument in the course of his duty as such, nor to the mere engrossing of an instrument.

36. The Governor may, by Order, except from the provisions of the preceding sections of this Part any class of instrument specified in such order.

Enacted this 14th day of January, 1933.

T. S. W. THOMAS

Governor of the Gold Coast.

The Attorney-(

AN ORDINANCE
Attorney-

BE IT ENACTED
respect to Ash

1. This O
(Powers and Du
on such date as

2. In crim
the same power
which are veste
Colony in corr
Ordinance.

3. Section
in respect to ca
of this Ordinan
subsequently th
been committed
and evidence th
General shall fi