

GHANA BAR ASSOCIATION

CONSTITUTION,

CODE OF ETHICS

AND

REGULATIONS

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THE CONSTITUTION OF THE GHANA BAR ASSOCIATION

PART I

THE GHANA BAR ASSOCIATION

1. **NAME:**

The Association shall be known as the Ghana Bar Association in this Constitution referred to as "the Association".

2. **Object:**

1. The object of the Association is to concern itself with all matters affecting the legal profession in Ghana and shall for that purpose take such action as it considers expedient and necessary.
2. Without prejudice to sub clause (1) of this clause, the Association shall concern itself with
 - (a) the defence and upholding of freedom and justice in Ghana;
 - (b) the maintenance of the honour, independence and integrity of the legal profession;
 - (c) the maintenance of the independence of the Judiciary;
 - (d) the organisation and promotion of legal education;
 - (e) the maintenance of professional standards, discipline and etiquette;
 - (f) the establishment and maintenance of a system of efficient legal aid and advice;
 - (g) the promotion and support of law reform and the pursuit of legal research;
 - (h) the furtherance of good relations between the Association and similar organizations of lawyers in other countries;
 - (i) the protection of human rights and fundamental freedoms as defined under the United Nations Universal Declaration of Human Rights and Fundamental Freedoms, the African Charter on Human and Peoples Rights, the Constitution of Ghana, and other international treaties and conventions to which Ghana is a party; and
 - (j) the conferment of honour on deserving members.

3. **Headquarters of Association:**

The Headquarters of the Association shall be in Accra.

4. **Membership:**

Every lawyer shall upon his enrolment in Ghana apply to be a member of the Association and shall upon becoming a member, pay to the Association such registration fee as may be determined by the General Council of the Bar.

5. **National Officers and General Council:**

1. The Association shall have the following National Officers who shall perform the functions specified in this Constitution -

- (a) National President;
- (b) National Vice President;
- (c) National Secretary;
- (d) National Assistant Secretary;
- (e) National Treasurer;
- (f) National Public Relations Officer;
- (g) National Asst, Public Relations Officer,
- (h) Immediate Past President.

1A. National Officers elected at the Annual General Conference of the Association shall hold office for a period of three years beginning from the date on which they are sworn in as National Officers.

2. ***The National President shall -***

- (a) be the chief executive officer of the Association;
- (b) be responsible in conjunction with the General Council of the Bar for ensuring the smooth and effective functioning of the Association at all levels; and
- (c) preside at all meetings of the Association, the National Executive Committee, the General Council of the Bar and the Annual or any other General Conference of the Association at which he is present.

3. ***The National Vice President shall -***

- (a) assist the National President in the discharge of his functions, and
- (b) in the absence of the National President, preside at all meetings of the Association, the National Executive Committee, the General Council of the Bar and the Annual or any other General Conference of the Association at which he is present.

4. ***The National Secretary shall -***

- (a) directly oversee and supervise the work of the National Secretariat;
- (b) ensure that minutes of the following meetings are accurately recorded and kept -
 - (i) national, general and special meetings of the Association;
 - (ii) meetings of the Annual General Conference;
 - (iii) meetings of the General Council; and
 - (iv) meetings of the National Executive Committee.
- (c) present an annual report covering the activities of the Association for the preceding year to the Annual General Conference; and
- (d) subject to such directions as the National President may give, transact all correspondence of the Association.

5. ***The National Assistant Secretary shall -***

- (a) assist the National Secretary in the performance of his duties and
- (b) in the absence of the National Secretary, perform his duties.

6. ***The National Treasurer shall -***

- (a) keep books of account of the Association and proper records in relation to the accounts;
- (b) prepare the annual budget of the Association and submit it through the National Executive Committee for approval by the General Council of the Bar not later than three months following the Annual Conference;
- (c) ensure that the accounts of the Association are maintained in bank accounts; and
- (d) ensure that the accounts of the Association are audited and circulated electronically to all Members of the Association not later than one month before the date of the Annual General Conference of the Bar and presented to the Annual General Conference.

7. ***The National Public Relations Officer shall –***

- (a) ensure that the Association maintains a good image nationally and internationally;
- (b) ensure that the public is well informed about matters affecting the Association, and
- (c) dispel any misconceptions about the legal profession, the administration of justice and in particular the nature of the judicial process.

8. ***The National Assistant Public Relations Officer shall -***

- (a) assist the National Public Relations Officer and
- (b) in the absence of the National Public Relations Officer, perform his functions.

9. The tenure of National Officers shall commence on the first Monday of November following an election at the Annual General Conference of the Association.

10. Before assuming office National Officers shall take the oath of office and oath of secrecy set out in Annex A to this Constitution to be administered by the President of the Court of Appeal or his designated representative.

6. **Election of Officers:**

The provisions of Part V of this Constitution shall apply to election of officers at both national and regional levels.

7. **The General Council of the Association:**

- 1. the governing body of the Association shall be the General Council of the Bar in this Constitution referred to as "the General Council".
- 2. The General Council shall consist of the following members –

- (a) all the National Officers of the Association;
 - (b) all Past National Presidents of the Association;
 - (c) all Presidents of regional branches of the Association;
 - (d) all Secretaries of regional branches of the Association;
 - (e) The President of the Young Lawyers' Forum of the Association;
 - (f) The President of the Women's Forum of the Association; and
 - (g) The President of the In-House Lawyers' Forum of the Association.
3. No person holding a national office shall concurrently hold office as a member of the executive of a regional branch or forum of the Association.

8. Functions of the General Council:

1. The General Council shall, subject to such decision as may be taken at the Annual General Conference be responsible for -
- (a) the realisation of the object of the Association; and
 - (b) ensuring the carrying into effect of the provisions of this Constitution.
2. For the purpose of clause (1) of this article the General Council shall -
- (a) administer and manage the National Headquarters of the Association;
 - (b) submit to the Annual General Conference a financial statement in respect of the preceding year;
 - (c) co-ordinate and oversee the activities of the regional and forum executive committees;
 - (d) be responsible for professional conduct, etiquette and disciplinary matters;
 - (e) maintain a library at the National Headquarters;
 - (f) encourage the publication of legal literature;
 - (g) encourage research into various branches of the law and for this purpose recommend the endowment by the Association of scholarships, prizes, fellowships or professorships in the Faculty of Law, the Ghana School of Law and such other institution as the General Council may determine;
 - (h) establish links between the legal profession in Ghana and the profession in other countries; and
 - (i) generally secure the well-being and advancement of the legal profession in Ghana.

9. Committees:

1. The Association may appoint committees composed of members or members and non-members and may assign to such committees such functions as it may determine.
2. Without prejudice to clause (1) of this article, the Association shall appoint standing committees which shall be committees of the General Council for the following purposes –
- (a) discipline;
 - (b) law reform;
 - (c) professional education and research;

- (d) law reporting;
- (e) rules of court;
- (f) Welfare Committee; and
- (g) Any other Committee.

10. **National Executive Committee:**

1. Without prejudice to article 9 of this Constitution, there is established by this Constitution a National Executive Committee of the Association.
2. The National Officers of the Association as defined in article 5 of the Constitution shall constitute the National Executive Committee of the Association.
3. *The National Executive Committee shall*
 - (a) carry out the functions of the General Council in-between meetings of the General Council and report to the General Council; and
 - (b) be responsible for the day to day business of the Association.

11. **National Secretariat:**

1. There shall be at the National Headquarters of the Association a Secretariat consisting of such administrative and other staff as the General Council may consider necessary to appoint.
2. The remuneration and conditions of service of the staff of the Secretariat shall be determined by the General Council.
3. The Secretariat shall -
 - (a) carry out the functions of the Association at Headquarters;
 - (b) establish regular liaison with regional branches and fora of the Association;
 - (c) keep the records of the Association;
 - (d) ensure the proper keeping of accounts, preparation and production of reports of the Association; and
 - (e) generally carry out the directions of the General Council.

12. **Executive Secretary:**

There shall be an Executive Secretary of the Association appointed by the General Council of the Bar who shall be the head of the Secretariat and who shall in the performance of his functions be responsible to the General Council through the National Secretary and the National President of the Association.

PART II

REGIONAL BRANCHES OF THE ASSOCIATION

13. Regional Branches of the Association:

1. A regional branch of the Association shall be established in the regional capitals of Ghana.
2. Every regional Branch of the Association shall have the following officers -
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Assistant Secretary;
 - (e) Treasurer; and
 - (f) Publicity Secretary.
 - (g) any other elected officer.

14. Regional Executive Committee:

There shall be an executive committee for each regional branch of the Association composed of the following members –

- (a) all regional officers; and
- (b) the immediate past regional president

15. Functions of Regional Executive Committee:

A Regional Executive Committee shall –

- (a) promote within the region the object of the Association as set out in this Constitution;
- (b) collect all levies and subscriptions from members;
- (c) administer and manage the affairs of the Association within the region; and
- (d) organise and promote activities whether professional or otherwise for the education and advancement of members and the general public.

PART III

FORA OF THE ASSOCIATION

16. Fora of the Association:

1. Fora of the Association shall be established by the General Council to develop, support and improve upon the organisation and status of the Association.
2. Every Forum of the Association shall have the following officers -
 - a. President;
 - b. Vice-President;
 - c. Secretary;
 - d. Assistant Secretary;

- e. Treasurer; and
 - f. Publicity Secretary.
 - g. any other elected officer.
 - 3. An officer of a Forum of the Association shall hold office for a term of three years but may be eligible for re-election for further terms.
17. **Forum Executive Committee:**
- There shall be an executive committee for each forum of the Association composed of the following members –
- a. all forum officers; and
 - b. the immediate past forum president
18. **Functions of Forum Executive Committee:**
- A Forum Executive Committee shall –
- (a) promote within the forum the object of the Association as set out in this Constitution;
 - (b) collect all levies and subscriptions from members;
 - (c) administer and manage the affairs of the Association within the forum and
 - (d) organise and promote activities whether professional or otherwise for the education and advancement of members and the general public.

PART IV

MEETINGS OF THE ASSOCIATION

19. **Annual General Conference:**
- 1. The Association shall hold an Annual General Conference during the month of September or at such other time as may be determined by the General Council.
 - 2. All members of the Association from all the regions of Ghana have the right to attend, speak and vote at the Annual General Conference unless disqualified from doing so by reason of non-payment of subscription or for ..non-compliance with any decision of the Association.
 - 3. Decisions and resolutions made and passed at the Annual General Conference shall be binding on all members of the Association.
 - 4. The Annual General Conference shall -
 - (a) receive the report and the financial statement of the General Council for the preceding year;
 - (b) receive and approve the audited accounts of the Association;
 - (c) elect the National Officers in an election year;

- (d) consider any matters affecting the national and international interests of the Association;
- (e) determine the venue for the next Annual General Conference;
- (f) appoint professional qualified auditors to audit the accounts of the Association for the following year; and
- (g) transact such other business as may be determined by the General Council.

20. Resolutions:

1. A resolution intended for consideration at an Annual General Conference -
 - (a) shall be in writing and signed by the proposer or proposers and one other member of the Association all of whom shall be of good standing; and
 - (b) shall be submitted to the Secretariat at least thirty days before the date of the conference at which it is intended to be moved but the General Council may admit a resolution notwithstanding that it is submitted after the expiry of the time limit.
2. Where a resolution has been adopted by a regional annual conference for submission to the Annual General Conference, it shall be signed by the Regional President and Regional Secretary who shall certify that the resolution has been adopted at the regional annual conference.
3. Any resolution other than a resolution for the amendment of this Constitution shall be passed by a simple majority of members present and voting.

21. Meetings of the General Council:

1. The General Council shall meet as often as it is required for the transaction of business but shall meet at least four times in a year.
2. The General Council may fill any casual vacancies that may occur between one Annual General Conference and the next.
3. Any member appointed by the General Council under sub clause (2) of this clause shall cease to hold office at the Annual General Conference in an election year but shall be eligible for re-election in accordance with this Constitution.

22. Special General Meetings:

1. The General Council may convene a Special General Meeting at any time upon notice given in the manner indicated in this clause but in the event of extreme urgency the General Council may call a meeting giving shorter notice.
2. Upon a requisition signed by not less than thirty members of the Association, the General Council shall within ten days of the filing of the requisition with the National Secretary of the Association summon a Special General Meeting of the Association by giving to each member fifteen days' written notice or by any other means considered expedient in the circumstances.
3. Every requisition shall specify the nature of the business for which the meeting is required to be called.

4. Where the General Council fails to call a Special General Meeting within twenty-one days of the receipt by the National Secretary of a requisition for such a meeting the requisitioners may themselves convene a meeting of the Association.

23. Regional or Forum Annual Meeting:

1. Each regional branch or forum of the Association shall hold a regional or forum annual meeting in the month of October of each year or so soon thereafter as the Regional or Forum Executive Committee may determine.
2. Decisions and resolutions made and passed at a regional or forum annual meeting shall be binding on all the members of the Association in the region or forum.
3. A regional or forum annual meeting shall -
 - (a) receive the report and financial statement of the Regional or Forum Executive Committee in respect of the preceding year;
 - (b) receive and approve the audited accounts of the regional branch or forum;
 - (c) elect the regional or forum officers in an election year;
 - (d) consider any matters affecting the regional or forum and national interests of the Association;
 - (e) determine the venue for the next regional or forum annual meeting;
 - (f) appoint professionally qualified auditors to audit the regional or forum accounts for consideration at the next regional or forum annual meeting; and
 - (g) transact such other business as may be determined by the Regional or Forum Executive Committee.

24. Regional or Forum General Meetings:

1. The Executive Committee of a regional branch or forum of the Association may convene a general meeting of the members of the Association within the region once every two months upon giving seven days' notice of such meeting to all members entitled to attend except that in case of an emergency, such shorter notice as is reasonable in the circumstances may be given.
2. A notice convening a general meeting of a regional branch or forum shall specify the nature of the business to be transacted at the meeting.
3. At all emergency and requisitioned general meetings at the regional or forum level only business specified in the agenda or requisition may be transacted.
4. Any five members of the Association in a region or forum who are of good standing may requisition a regional or forum general meeting in writing addressed to the Regional or Forum Executive Committee which -
 - (a) is signed by each of them; and
 - (b) specifies the business to be transacted at that general meeting.
5. The Regional or Forum Executive shall not later than fourteen days after receiving such a requisition, convene a general meeting of the members of the Association in the region or forum, by giving at least seven days' notice or less where, in the opinion of the Regional or Forum Executive, the circumstances so require.

6. Where the Regional Executive fails to convene a meeting within fourteen days of receiving a requisition, the members of the regional branch *or forum* of the Association requisitioning the meeting may themselves convene the meeting.

25. **Voting:**

1. Matters for determination by the Association at any national, regional or forum meeting shall, unless otherwise provided in this Constitution or regulations made under it, be decided by the majority of the votes of members present and voting by a show of hands.
2. In the event of an equality of votes, the chairman or the person presiding shall have a second or casting vote.
3. Only members of good standing shall be entitled to vote on any matter at a meeting of the Association.
4. For the purposes of this Constitution, a member is of good standing if as a registered member he is not at the given time in default of payment of any subscription or levy payable and is not in breach of any decision of the Association.

26. **Quorum:**

1. At an Annual General Conference, the quorum shall be fifty members of good standing.
2. If no quorum is available at the expiration of one hour from the time appointed for the commencement of any Annual General Conference, the meeting shall stand adjourned to 9.O'clock a.m. of the following day at the same venue, and after that to the third day at the same time and place, and if on that day there is no quorum then the meeting shall be deemed adjourned sine die.
3. At any Special General Meeting, the quorum shall be thirty members of good standing.
4. If no quorum is available at the expiration of one hour from the time appointed for the commencement of a Special General Meeting then the meeting shall stand adjourned to the following day at the same time and place and if there is no quorum within one hour on the adjourned date the meeting shall stand adjourned sine die.
4. At a meeting of the National Executive Committee or the General Council, one-third of the entire membership of the said Committee or the General Council shall constitute a quorum.
5. At any regional or forum meeting, the quorum shall be thirty members of the Association in the region or one-fifth of the membership whichever is less.

PART V
ELECTIONS

27. Holding of Elections:

1. Election of National Officers shall be held at the Annual General Conference of the Association and shall be by secret ballot.
2. Election of regional officers in all the regions shall be held at the regional annual meeting at the time specified in article 23(1) of this constitution and shall be by secret ballot.
5. Election of forum officers in all the fora shall be held at the forum's annual meeting at the time specified in article 23(1) of this constitution and shall be by secret ballot.
4. At the national, regional and fora elections of the Association, only members of good standing at the time of the elections shall be entitled to stand as candidates, propose or nominate candidates, support nominations or vote.

28. Qualification of Candidates:

1. A member is eligible for election to the office of National President or National Vice President if he has a minimum of fifteen years' standing at the Bar.
2. A member is eligible for election to the office of National Secretary, National Treasurer or National Public Relations Officer if the member has a minimum of ten years' standing at the Bar.
3. A member is eligible for election to the office of National Assistant Secretary if the member has a minimum of seven years' standing at the Bar.
4. A candidate is not qualified to be nominated for election if he has any record of conviction for a serious criminal offence or proven professional or other misconduct involving dishonesty or moral turpitude.
5. A candidate for election to a regional or forum office with the exception of the Young Lawyers' Forum shall have the same qualifications as those applicable to a candidate for a corresponding national office under clauses (1) to (4), except that, the General Council may, in the case of any particular region or forum, upon representation made by the regional branch or forum of the Association, waive any requirement under clauses (1) to (3) of this article: Provided that the waiver shall be limited to one election year at a time. For the avoidance of doubt Clause (4) is applicable to candidates for election to the Young Lawyers' Forum.

29. Nomination of Candidates and withdrawal of Nominations:

1. The nomination of a candidate shall be made by a member and shall be supported by a minimum of three members from at least four of the 10 regions in Ghana.
2. Nomination of candidates shall open in the first week of May in every election year or such other time as the General Council may determine except that the date for the opening of nominations shall not be later than three months before the opening of the Annual Conference.
3. Nominations of candidates shall close on the 30th day of June in every election year or not later than three months prior to the date fixed for the Annual General Conference of the Bar, whichever is later.

4. The National Secretariat of the Bar shall print and supply nomination forms to all Regional Secretariats not later than 31st March in every year.
5. Proposers and supporters shall state their full names, places of work and addresses on the nomination forms.
6. The consent of candidate shall be endorsed on the nomination form by the candidate's signature.
7. Completed nomination forms shall be submitted together with twelve passport size photographs of the candidate which shall be certified by the proposer to the Electoral Officer or his Regional Assistant.
8. Completed nomination forms shall be submitted in triplicate and after processing, the Electoral Officer or his Regional Assistant shall retain the original nomination form, sent the duplicate to the National Secretariat and return the triplicate to the proposer.
9. The Electoral Officer and National Secretariat of the Ghana Bar Association shall compile a list of nominated candidates which shall be forwarded to all regional branches or fora for publication in the region or fora not later than one month after the close of nominations.
10. The publication of a list of candidates shall include all the particulars of the candidates required to be stated on the nomination form.
11. A candidate may by notice in writing signed by him withdraw his candidature not later than fourteen days before the close of nominations.
12. A candidate and a proposer seeking to withdraw a candidate's nominations after the expiration of fourteen days before the close of nomination, or any other period as may be prescribed in that behalf by the General Council, shall be liable to be surcharged the processing cost of the nomination papers.

30. **Unopposed Candidates:**

Where at the expiration of the time prescribed for nominations to be made, only one candidate stands nominated for a national or regional office, that candidate shall be declared elected by the Electoral Officer.

31. **Appointments, Qualifications and Duties of Electoral Officers:**

1. The General Council shall appoint an Electoral Officer and Assistant Electoral Officers before the 1st of April of every election year for the purposes of elections under this Constitution.
2. There shall be one Assistant Electoral Officer for each region who shall be a member of the Association appointed upon the advice of regional branch.
3. The Electoral Officer and the Assistant Electoral Officers shall be members of good standing.
4. The Electoral Officer and Assistant Electoral Officers -
 - (a) shall be responsible for receiving duly completed nomination forms, and
 - (c) may reject nomination papers which do not comply with any of the requirements for nomination and election to offices within the Association, or which are otherwise not duly completed.

5. The Electoral Officer shall with the assistance of all the Assistant Electoral Officers conduct elections for National Officers of the Association.
6. The Assistant Electoral Officer of each region shall conduct elections for regional offices.
7. The Electoral Officer shall with the assistance of all the Assistant Electoral Officers conduct elections for Fora of the Association.

32. **Appointment and Duties of Electoral Committees:**

1. The General Council shall before the 1st of March in every election year, appoint an Electoral Committee which shall consist of the Electoral Officer of the Association and four other members of the Association who are of good standing.
2. Completed nomination forms received in respect of elections to the national officers shall be forwarded to the National Secretariat and thereafter referred to the Electoral Committee.
3. The Electoral Committee shall upon consideration of the nominations it receives determine the qualifications of the candidates concerned not later than one month before the next Annual general Conference.
4. A candidate for election shall upon request by the Electoral Committee permit the Electoral Committee to vet him with regard to his qualification for the office concerned.

33. **Appeals By Candidates:**

1. A candidate dissatisfied with the decision of the Electoral Officer or an Assistant Electoral Officer in respect of his nomination, may within seven days of the communication of the decision, appeal against the decision to the Electoral Committee.
2. The Electoral Committee shall upon receipt of an appeal made by a candidate, take a decision thereon within fourteen days thereof.
3. A person dissatisfied with a decision of the Electoral Committee may lodge a further appeal with the General Council within seven days of the communication to him of the decision.
6. The General Council shall within fourteen days of the receipt of an appeal make under clause (3) determine the appeal and the said decision shall be final.

PART VI

DISCIPLINE

34.
 1. The Standing Committee provided under article 9(2) (a) of this Constitution shall be the Disciplinary Committee of the Association.
 2. The Disciplinary Committee shall consist of not more than fifteen members.
 3. The General Council may for good cause remove any member of the Disciplinary Committee.
 4. No member qualifies to be a member of the Disciplinary Committee unless he is at least of ten year's standing at the Bar.
 5. For purposes of hearing disciplinary proceedings the Disciplinary Committee shall sit in panels of three, five or seven members and at such times as the General Council may determine.
 6. A panel of the Disciplinary Committee shall at its sitting elect one of the members as chairman.
 7. The full membership of the Disciplinary Committee shall meet at least twice in a year.
 8. The General Council may co-opt to the Disciplinary committee any person who holds or has held high judicial office.
 9. The Disciplinary Committee shall inquire into any alleged professional misconduct of any member of the Association.
 10. The General Council may make rules as to the times and places of the meetings of the Committee, the manner of summoning members and the procedure to be followed and rules of evidence to be observed in an inquiry, and in particular -
 - (a) for securing that any party to the inquiry shall, if he so requires, be entitled to be heard by the Committee;
 - (b) for enabling any party to the inquiry to be represented by a lawyer;
 - (c) for the payment of allowance to witnesses of their expenses subject to such limits as may be prescribed; and
 - (d) for prescribing the number of members to hold an inquiry in a disciplinary case, and the cases in which their decision must be unanimous.
 11. The Disciplinary Committee shall cause the lawyer into whose conduct an inquiry is to be held to be served with a notice -
 - (a) specifying in the form of a complaint, the subject matter of the inquiry; and
 - (b) stating the day, time and place at which the inquiry is proposed to be held.
 12. Except with the agreement of the lawyer, the inquiry shall not be fixed for any date earlier than twenty-eight days after the date on which the notice is served on him.
 13. Where the lawyer does not appear at the time and place appointed by the notice the inquiry shall not be proceeded with in his absence unless the Disciplinary Committee is satisfied that the notice was received by the lawyer and that he has had reasonable opportunity to appear.

14. The lawyer into whose conduct an inquiry is to be held may appear either in person or by counsel.
15. An inquiry into the conduct of a lawyer shall be held in camera.
16. The Disciplinary Committee may receive any such oral or other evidence as would be receivable in a court of law.
17. After holding an inquiry into a disciplinary case, the Disciplinary Committee shall decide whether the allegations enquired into are proved and if it decides that the allegations are proved it shall advise the taking of any disciplinary measures as are specified in the Regulations of the Association, and make such further orders as are reasonably necessary.
18. Where the Disciplinary Committee has directed that a lawyer be prohibited from practising it may at any time review its decision and direct that the prohibition be withdrawn.

PART VII

FINANCIAL AND MISCELLANEOUS PROVISIONS

35. Subscription and Levies:

1. The Annual General Conference of the Bar shall determine the payment of such subscription or levy by members of the Association as it considers appropriate.
2. A regional or forum executive committee may in addition to the subscription or levy required by the General Council impose such other levies on members of the Association in the region or forum as the regional or forum executive committee may determine. Levies imposed on fora shall be paid to the National Secretariat of the Association.
3. A Regional or Forum Treasurer shall not later than two months from the date of receipt of any subscription or levy transmit three-quarters, or such other percentage that the annual conference shall determine, of the total amount of subscriptions or levies, to the National Treasurer.

36. National Accounts:

1. The General Council of the Bar shall ensure that proper accounts are kept and maintained of all moneys received or expenses incurred by the Association.
2. The accounts of the Association and of the Secretariat shall be audited by qualified and reputable auditors and shall be submitted together with the auditor's report to the Annual General Conference for consideration and approval.
3. The financial year of the Association shall commence on the 1st day of September each year and end on the 31st day of August of the following year.

37. Regional or Forum Accounts:

1. The regional or forum executive committee shall ensure that proper accounts are kept and maintained of all moneys received or expenses incurred by the Association in the region or forum.

2. The accounts of a regional branch or forum of the Association shall be audited by qualified and reputable auditors, and shall be submitted together with the auditor's report for consideration and approval by the Regional or Forum Annual Meeting.

38. **Power To Set Up Special Fund:**

The General Council or a regional executive committee may set up a special fund and determine the purpose for the fund and conditions of withdrawal from the fund.

39. **Banking Accounts:**

1. The Association shall open and operate banking accounts with such banks as it may determine.
2. The signatories to a bank account of the Association shall be the National Treasurer and either the National President or the National Secretary.
3. A regional branch or forum of the Association shall open and operate a bank account with such bank as it may determine.
4. The signatories to a bank account of a regional branch or forum of the Association shall be the Regional or Forum Treasurer and either the Regional or Forum President or the Regional or Forum Secretary.
5. Subject to clause (6) of this article moneys of the national Association or a regional branch or forum not required for immediate use may be invested.
6. Moneys for investment shall be put only in such gilt-edged securities as the General Council, the regional or forum executive committee may determine.

40. **Budget:**

1. Not later than three months before an Annual General Conference, the National Treasurer shall prepare the annual budget of the Association, and submit it through the General Council to the Annual General Conference for consideration and approval.
2. Not later than three months before a regional or forum annual meeting, the Regional or Forum Treasurer and the Regional or Forum Secretary shall prepare a budget of the regional branch or forum for approval by the Regional or Forum Annual Meeting.

41. **Amendments:**

1. A provision of this constitution may only be amended at an Annual General Conference or at a Special General Meeting called for the purpose.
2. The terms of any amendment shall be circulated to all regional branches or fora of the Association for the information of members twenty-one days before the meeting at which the amendment is to be proposed.
3. An amendment of a provision of this Constitution shall be decided by secret ballot by the votes of not less than 2/3 of the members present and voting and shall come into force twenty-one days after the date on which voting was conducted.

42. **Interpretation:**

In this Constitution unless the context otherwise requires:

“Forum” means fora of the Ghana Bar Association established for individual Members to organise and conduct activities to develop and improve the organisation and status of the Bar.

“In House-Lawyers” means the Forum established for members of the Association who are in-house lawyers in Legal Departments registered with the General Legal Council and State Attorneys in the Attorney-General’s Department.

“Notice” unless otherwise expressly stated, all notices in this Constitution should be for a period of twenty-one days.

“Women’s Forum” means the Forum established for female members of the Association.

“Young Lawyers’ Forum” means the Forum established for members of the Association with a maximum of seven years standing at the Bar.

43. **Commencement:**

This Constitution shall come into force on the day of 24th August 2021.

Note:

This Constitution was adopted by the Ghana Bar Association by the use of electronic voting in respect of proposed amendments on the 3rd day of August, 2021.

ANNEXURES

ANNEX A – FORM OF OATHS

OATH OF OFFICE

I, having been elected to the office of of the Ghana Bar Association do in the name of the Almighty God Swear / Solemnly Affirm that I will be faithful and true to the Ghana Bar Association; that I will at all times preserve, protect and defend the Constitution of the Ghana Bar Association; and that I dedicate myself to the service and well-being of the members of the Ghana Bar Association and to do right to all Lawyers.

I further solemnly swear (solemnly affirm) that should I at any time break this Oath of Office; I shall submit myself to the sanctions and penalties provided for in the Constitution of the Ghana Bar Association.

So help me God.

To be administered by the President of the Court of Appeal or his designated representative.

OATH OF SECRECY

I, being a member of the National Executive Committee and the General Council of the Ghana Bar Association do hereby in the Name of the Almighty God Swear / Solemnly Affirm that I will well and truly keep in confidence any decision, recommendation or observation which shall be taken or made in respect of any matter or issue which shall be brought under consideration at any meeting of the National Executive Committee and General Council or shall come to my knowledge in the discharge of my responsibilities as a member of the National Executive Committee and General Council and I will not directly or indirectly communicate or reveal same

to any person whosoever save and except as may be required to carry out any decisions, orders or recommendations of the National Executive Committee and General Council or as may be specifically permitted by law.

So help me God.

To be administered by the President of the Court of Appeal or his designated representative.

THE CODE OF ETHICS

PART I

DUTY TO THE PROFESSION

1. **Professional honour:** It is the duty of a lawyer -
 - (a) to preserve the dignity and honour of his profession;
 - (b) to discharge his duties to fellow members of the profession with fairness, courtesy and good faith;
 - (c) to maintain his won dignity, honour and integrity;
 - (d) to uphold the laws of Ghana.
2. **Acts of dishonour:** A lawyer commits misconduct if –
 - (a) he is convicted by a court of competent jurisdiction of an offence involving dishonesty; or
 - (b) whether or not he is the subject of a criminal prosecution he commits, even in this personal capacity, any act of fraud, dishonesty or corruption; or
 - (c) he does any other act likely to bring the profession into disrepute.
3. **Conflicts of interest:**
 1. A practicing lawyer commits misconduct if –
 - (a) he becomes an active participant in any business or profession which conflicts or involves a serious risk of conflict with his duties as a practicing lawyer; or
 - (b) he does not preserve his professional independence or allows his engagement in any other business, occupation or employment to interfere with or prejudice that independence.
 2. For the purposes of this rule a practicing lawyer is a lawyer who is entitled to practise and who holds himself out as ready to do so, or who is employed in a whole-time occupation such as that of editor or reporter of any series of Law Reports for use by the legal profession.
4. **Improper Communications:**

A Lawyer commits misconduct if he writes in the course of his practice letters, whether to his client, another lawyer or to any other person, which are abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer.

5. **Sharing of Fees:**

A lawyer commits misconduct if he shares or agrees to share his professional remuneration with any person who is not a duly qualified lawyer.

6. **Advertisement:**

1. A lawyer commits misconduct if -
 - (a) he does or causes or allows to be done anything with the primary motive of personal advertisement or anything calculated to suggest that it is so motivated; or
 - (b) he publishes, circulates or knowingly permits to be published or circulated anything in the nature of an advertisement of his or his firm's services otherwise than in a legal directory, legal journal or other legal publication.
2. The rule does not prevent the use of simple visiting cards stating the name, address, and academic or other lawful qualifications of a lawyer.

7. **Name plates and stationery:**

A lawyer commits misconduct if he permits to appear on his name plate of a reasonable size or to be printed on his professional stationery the name of any person other than a lawyer.

8. **Publicity:**

1. A practicing lawyer commits misconduct if he gives any interview to a representative of the press on any matter on which he is or has been engaged as counsel.
2. In this rule, "practicing lawyer" has the same meaning as in rule 3.

9. **Solicitation:**

A lawyer commits misconduct if –

- (a) he invites, either directly or indirectly, any person to instruct him or his firm or seeks to attract professional business to himself unfairly; or
- (b) he accepts instruction to act for any person whom he knows or has reasonable grounds to suspect to have been introduced to him as a result of solicitation.

10. **Practising without Chambers:**

A lawyer commits misconduct if he practises without being a member of professional chambers or the pupil or such a member.

11. **Dealings with other lawyer's clients:**

A lawyer commits misconduct if –

- (a) he interviews or otherwise communicates about a pending case or matter directly with any person whom he knows to be represented in that case or matter by another lawyer without the express consent of that lawyer; or

- (b) having first represented a client in any matter on the instructions of and/as professional agent for another lawyer, he subsequently accepts instruction from such client in the same matter to act directly for him without the knowledge and consent of the lawyer from whom he first received his instruction; or
- (c) he accepts instructions to act in proceedings in which the client has to his knowledge previously been represented by another lawyer, without first notifying the other lawyer in writing and enquiring whether he has any objection to his accepting the brief:

Provided that for the purposes of this paragraph a person shall be presumed to have known of such previous representation if he would have known of it on making reasonable enquiries having regard to all the circumstances.

12. **Payment of Fees of another lawyer:**

A lawyer commits misconduct if, having instructed another lawyer to act on behalf of his client he does not pay the proper fees of such other lawyer whether or not he has received payment therefore from his client.

13. **Proceedings against another lawyer:**

A lawyer commits misconduct if he refuses without good reason to accept instructions to take proceedings against another lawyer.

14. **Deception etc of Disciplinary Committee:**

A lawyer commits misconduct if –

- (a) he attempts deliberately to deceive or to make a false representation to the Disciplinary Committee of the General Council of the Bar; or
 - he fails to honour an undertaking or comply with an order or summons of the Disciplinary Committee of the General Council of the Bar.

15. **Duty to expose misconduct:**

It is the duty of a lawyer to expose without fear or favour before the Disciplinary Committee of the General Council of the Bar any instance of the professional misconduct of another lawyer coming to his notice.

16. **Signing of document:**

A lawyer commits misconduct if he signs any document not prepared by him or under his supervision.

PART II

DUTY TO THE PUBLIC

17. **Stirring up Litigation:**

A lawyer commits misconduct if –

- (a) without being instructed to do so, he volunteers advice to bring a lawsuit, unless obliged to do so by ties of relationship or trust;
- (b) he uses an agent or runner for the purposes of instigating litigations; or
- (c) he pays or rewards, directly or indirectly, any person who brings to him or influences the bringing to him of any professional work.

18. **Instruction from unauthorized persons:**

A lawyer commits misconduct if he accepts instructions to take proceedings except -

- (a) at the express request of the party concerned; or
- (b) as agent for or at the request of another lawyer representing the party; or
- (c) at the request of some other legally authorized person.

19. **Preferential treatment:**

A lawyer commits misconduct if he acts in any proceedings or matter in relation to which, by virtue of any office or appointment held by him or any partner of his, he is in a position to influence a decision or to secure preferential treatment for his client.

20. **Dealings with unrepresented persons:**

A lawyer commits misconduct if, when dealing professionally (whether on behalf of a client or on his own behalf) with a person who is not legally represented, he

- (a) fails to make a proper disclosure of material facts; or
- (b) supplies false or misleading information; or
- (c) takes improper advantage of the youth, age, ill-health, inexperience or lack of education of the person with whom he is dealing.

21. **Personal references:**

A lawyer commits misconduct if, having consented to give a personal reference for any person, he gives one that to his knowledge is not true.

22. **Agreements and undertakings:**

1. A lawyer commits misconduct if -

- (a) he fails to honour a written undertaking given by him or his firm to any person, unless on the face of the undertaking it is clear beyond doubt that he was not accepting personal responsibility;

- (b) he issues a cheque either on his own behalf or on behalf of his firm, and the cheque is not met owing to lack of funds.
- 2. A lawyer commits misconduct if, where his word has been pledged by himself or his firm, he fails without reasonable cause to honour that word, even at financial cost to himself; and for the purposes of this rule a lawyer is under a duty so far as is reasonably practicable having regard to the circumstances to honour an oral agreement affecting his clients rights although such agreement may be legally unenforceable unless reduced to writing.
- 23. **Assisting unauthorized practice:**

A lawyer commits misconduct if –

 - (a) he permits his or his firm's name or professional services to be used in any way which will enable any person to practice law when such person is not legally entitled to do so; or
 - (b) he delegates to any legally unqualified person not in his employ or under his control any functions which can only legally be performed by a duly qualified lawyer.
- 24. **Control of staff:**

A lawyer commits misconduct if he fails to exercise proper supervision and control over his office staff to the detriment of any client.
- 25. **Duty of public prosecutor:**

It is the primary duty of a lawyer, when engaged as a public prosecutor, not to seek conviction but to ensure that justice is done; and any such lawyer commits misconduct if –

 - (a) without reasonable excuse he withholds any facts, documents or relevant and admissible evidence tending to prove either the guilt or the innocence of the accused; or
 - (b) he knowingly harasses or intimidates a witness or prospective witness for the defence; or
 - (c) he aids, abets or takes no reasonable steps to discourage officers subject to his control from harassing; or intimidating a witness or prospective witness or the defence and prosecution.
- 26. **Duty to take cases assigned:**

It is the duty of a lawyer to take upon himself without hesitation and if need be without fee or reward, the cause of any man assigned to him by the court, and to use his best efforts on behalf of the person for whom he has been so assigned as counsel.

PART III
DUTY TO THE CLIENT

27. **Dishonesty and illegality:**

A lawyer commits misconduct if –

- (a) he commits any act of fraud or dishonesty against his client; or
- (b) he knowingly assists, enables or permits any person to act fraudulently, dishonestly or illegally towards his client.

28. **Client's property:**

A lawyer commits misconduct if –

- (a) he fails to pay into and to keep moneys received or held by him for and on behalf of clients in a bank account; or
- (b) he misappropriates his client's moneys or property or dishonestly pays any money held by him for his client otherwise than to the client or on the client's behalf; or
- (c) he fails, without the client's consent, to pay over for that purpose any money received by him from or on behalf of a client expressly for a specified purpose;
- (d) he retains, without the express authority of his client, moneys received for or on behalf of such client for an unnecessarily long period; or
- (e) he fails to report promptly to his client the receipt by him of any moneys or property in which that client has an interest.

29. **Receipts:**

A lawyer commits misconduct if he fails to give a receipt for every payment to him by a client, specifying in the receipt the purpose for which such payment was made.

30. **Accounts:**

A lawyer commits misconduct if he fails to keep properly written up books of account for all moneys received by or on behalf of a client, keeping such moneys separate from the moneys of every other client and from his own and his firm's moneys.

31. **Fees and expenses:**

A lawyer commits misconduct if he charges against his client fees or expenses which are of such excessive amount as to introduce an element of fraud, dishonesty or sharp practice.

32. **Benefits from parties:**

A lawyer commits misconduct if he accepts from a third party in respect of business done for a client any commission or financial payment without prior disclosure to his client and without his consent.

33. **Personal interest:**

A lawyer commits misconduct if –

- (a) he fails to disclose to his client at the time of retainer any relationship which he has with the parties which is inconsistent with the retainer and any personal interest which he may have in the matter in respect of which he is retained; and
- (b) he has or acquires any financial interest in the subject-matter of his client's action (other than professional fees), except where he himself is also a party to the proceedings.

34. **Conflicts of interest between Clients:**

A lawyer commits misconduct if he (whether alone or with any partner of his firm) knowingly continues to represent two or more clients in any proceedings, action or matter, without their express joint request made after a full disclosure of the facts where it is or has become apparent that a conflict of interest has arisen or may arise.

35. **Misrepresentation:**

A lawyer commits misconduct if –

- (a) he makes any untrue representation to or conceals any material facts from his client with dishonest or improper motives; or
- (b) he gives to his client any opinion which is not an honest and candid opinion on the facts submitted to him by or on behalf of his client.

36. **Negligence and delay:**

A lawyer commits misconduct if he conducts his client's business with such negligence or subject to such delays as to damage the client's interests or to bring disrepute or discredit on the profession.

37. **Improper advantage:**

A lawyer commits misconduct if he takes improper advantage of the youth, age, ill-health, inexperience or lack of education of his client, or if he uses any confidential information obtained by him from his client to the detriment of his client.

38. **Breach of confidence:**

A lawyer commits misconduct if he discloses or permits to be disclosed without his client's consent any confidential communication made to him or his firm by or on behalf of his client and whether or not he has ceased to act for the client, unless required to make such disclosure by law or by the lawful order of any court.

39. **Failure to defend client's interest:**

1. A lawyer commits misconduct if when appearing before any court he fails to uphold the interests of his client to the best of his ability.
2. Without prejudice to the generality of 1, when appearing before any court he fails to uphold the interests of his client to the best of his ability.

40. **Withdrawal from proceedings:**

1. Subject to rule 46 (2), a lawyer commits misconduct if having accepted a brief he withdraws from the proceedings, except for good cause and then only in such a way and at such a time as not unnecessarily to embarrass the client in the conduct of the proceedings.

2. A lawyer commits misconduct if, when instructed to defend a person accused of a criminal offence, he withdraws from the case upon any personal opinion which he may hold of his client's guilt.
3. A lawyer who has withdrawn from a case commits misconduct if (subject to any right of lien which he may lawfully exercise); he fails promptly to hand the brief to the client from whom he received it.
4. The papers in a brief delivered to a lawyer are the property of the client, and the lawyer has no right to lend them to any other person without the consent of the client.

41. **Briefs limiting authority:**

It is the duty of a lawyer not to accept a brief limiting his ordinary authority or on condition that his discretion as to offering no evidence is fettered, and he shall not take a subordinate position in the conduct of a case or share the conduct of the case with a client even if the litigant is a lawyer.

42. **Acting against client:**

It is misconduct for a lawyer, having acted for a client, to act against him in the same matter or in any other matter related thereto.

43. **Settlement of dispute:**

1. It is the duty of a lawyer to advise his client to avoid or to terminate litigation whenever the controversy will admit of fair settlement.
2. A lawyer commits misconduct if -
 - (a) he fails to communicate to his client the terms and effect of any settlement offered to his client; or
 - (b) he declines to take an available opportunity in the client's interest to reach a solution by a fair settlement out of court instead of engaging in legal proceedings.

44. **Dealings with foreign lawyer:**

1. A lawyer commits misconduct if, having accepted instructions from a foreign lawyer to act on behalf of a client,
 - (a) he does not handle the case promptly and competently without undue interference from the pressure of other business; or
 - (b) he fails to keep the foreign lawyer regularly informed of the progress of the case to enable the foreign lawyer to report to his client.
2. For the purposes of this rule a foreign lawyer is a lawyer who is not a member of the Ghana Bar.

45. **Dealings with assisted persons etc:**

A lawyer who, in accordance with his professional duty to represent the indigent and person assisted under any legal aid or advice scheme, undertakes any such representation, shall be guilty of misconduct if he fails to use the same degree of skill and care on behalf of any such person as he should use on behalf of any other client.

PART IV
DUTY TO THE COURT

46. Deception of the Court:

1. A lawyer commits misconduct if -
 - (a) he knowingly attempts to deceive or mislead the court or enables his client to do so;
or
 - (b) he gives to the Court any information or advice which to his knowledge is contrary to the law; or
 - (c) he knowingly assists, enables or permits his client to do anything which in his opinion is dishonest or dishonourable.
2. Where a lawyer discovers in the course of proceedings some illegality or gross irregularity committed by his client which by the ethics of the profession he is not permitted to disclose, he shall discontinue action for the client.

47. Lack of frankness:

It is the duty of a lawyer to be absolutely fair, frank and candid in all his dealings with the Court, his fellow lawyers and other parties to the proceedings, subject only to not betraying his client's cause, abandoning his legal rights or disclosing his confidences.

48. Acts of discourtesy:

1. It is the duty of a lawyer to treat the court with due courtesy and respect.
2. A lawyer commits misconduct if -
 - (a) he fails to treat every lawyer, party or witness appearing before the Court (including any lawyer, party or witness adverse to his client), with due courtesy, respect, fairness and consideration; or
 - (b) in the trial of a cause he alludes to the personal shortcomings of another counsel; or
 - (c) he addresses offensive remarks to any person in Court.

49. Misuse of influence:

A lawyer commits misconduct if -

- (a) he dissuades or attempts to dissuade a material witness from giving evidence in proceedings;
or
- (b) he attempts or permits any other person to attempt, either directly or indirectly, to influence the decision or action of any Judge or Official of the Court with regard to any case or matter, whether by bribery, personal approach or any means other than persuasion in pursuance of his duty as an advocate.

50. Malicious institution of proceedings:

A lawyer commits misconduct if he institutes for a client, from motives of malice or anger, any proceedings, (whether or not they may legally be taken by the client) which would be an abuse of the process of the court.

51. **Improper dealings:**

1. A lawyer commits misconduct if -
 - (a) he put into a pleading any allegation which upon any reasonable construction is at variance with the facts that have been laid before him by his client; or
 - (b) he puts into a pleading any allegation of fraud without having in front of him clear instructions that the client does wish to allege fraud and will support the allegation in the witness box, and without having before him material which as it stands establishes a prima facie case of fraud.
2. If no the material before him there is no cause of action or defence in law, a lawyer may seek further instructions to determine whether more material can be obtained, and if it cannot he must advise his client accordingly.
3. If the material before a lawyer is not sufficient in his view to warrant an allegation of fraud, he must advise his client that this is his view and that he cannot put his signature to the pleadings if it is to contain that charge.

52. **Acting as witness:**

1. A lawyer commits misconduct if he acts on behalf of a client in proceedings in which he knows that he is likely to be called as a witness:

provided that he may act as such witness for the purpose of giving a purely formal proof in evidence.
2. If a lawyer is a necessary witness to other matters the conduct of the case should be entrusted to another lawyer.

53. **Failure to attend court:**

A lawyer commits misconduct if without reasonable excuse he neither attends in court himself nor arranges for a responsible member of his firm or staff or agent or some other lawyer to be present throughout in court proceedings in which he or his firm is acting.

54. **Duty to exclude personal belief:**

No lawyer shall, either in argument to the court or in address to the jury, asset his personal belief in the innocence of his client, or in the justice of his cause, or as to any of the facts involved in the matter under investigation.

THE REGULATIONS

PART 1

ADMISSION PROCEDURE

1. Qualifications for registration:

1. No person shall practice in Ghana as a lawyer unless he is registered to practice as such in accordance with these Regulations and any law for the time being in force.
2. A person shall be qualified to be registered as a lawyer in Ghana if he satisfies the General Council of the Bar (in these Regulations referred to as "the General Council") that -
 - (a) he is of good character,
 - (b) he possesses a degree conferred by a university approved by the General Council;
 - (c) he produces satisfactory evidence of having passed the final examination held by a University or institution approved by the General Council for the purpose in the following subjects: -
 - (i) Law of Contract;
 - (ii) Law of Tort;
 - (iii) Criminal Law;
 - (iv) Law of Immovable Property;
 - (v) Constitutional Law;
 - (vi) The Ghana Legal System and its History;
 - (vii) Equity and Succession; and
 - (d) he has successfully completed a professional training course arranged by the General Council.
3. Subject to paragraph (2) of Regulations 2, a person qualified to be registered as a lawyer shall pay to the Association a fee of such amount as may from time to time be prescribed by the Association.

2. Registration of persons qualified outside Ghana:

1. A person who is qualified to practise in a country other than Ghana and who wishes to register as a lawyer in Ghana may in the discretion of the General Council be registered if he satisfies the General Council that -
 - (a) he is of good character;
 - (b) he is qualified to practise in any country having a sufficiently analogous system of law and that his qualifications are such as to render him suitable for registration; and
 - (c) he has passed an examination in the following subjects; -
 - (i) the Constitutional law of Ghana; and
 - (ii) the Customary Law of Ghana.
2. In addition, a person who is not a citizen of Ghana shall satisfy the General Council that he is a person of at least seven years' standing as a practising lawyer in a country having a system of law analogous to that of Ghana.

3. Any person qualified to be registered as a lawyer under this regulation shall pay to the Association a fee of such amount as may from time to time be prescribed by the Association.

3. The Register of Lawyers:

1. The Register of Lawyers shall be kept by the General Council.
2. A person applying for registration shall deposit in the office of the General Council for custody therein -
 - (a) a statutory declaration as to his identity in a form approved by the General Council, and
 - (b) a duly authenticated copy of his qualifying certificate granted by the Council or, in the case of a person not holding such a certificate, such other documents as may be prescribed by the General Council but the General Council may, on special grounds, and on such terms as it thinks reasonable, exempt any person from complying with any formalities prescribed in this regulation either absolutely or for any specified period.
3. A person may, on payment of the fee prescribed by the Association, obtain from the General Council a certificate of his registration.

4. Call to the Bar:

The General Council shall from time to time hold formal meetings at which duly qualified applicants shall be registered and called to the Bar, but the General Council may in its discretion dispense with the formalities under this regulation in any particular case.

5. Subscriptions:

1. The General Council may request members to pay such annual or other subscriptions as the Association may determine.
2. The General Council may suspend or otherwise discipline or admonish any member of the Association for non-payment of any annual or other subscription determined by the Association.

6. Status of lawyers:

Every person whose name is entered on the Register of Lawyers –

- (a) may practise as a lawyer, whether as a barrister or solicitor or both, and may sue for his fees, charges and disbursements for services rendered as such; and
- (b) shall regard himself as an officer of the court; and
- (d) when acting as a lawyer, may be subject to all such liabilities as attached by law to a solicitor.

PART II
LEGAL PRACTICE

7. Conflicting business interests:

1. The General Council may for the avoidance of doubt give a ruling on an application made to it in any case as to whether any particular active participation in a profession or business conflicts or involves such risk of conflict with the duties of a person as a practising lawyer, as to be contrary to the ethics of the profession.
2. Where by the term of his employment a lawyer is obliged to offer his employers legal advice or to perform such services as are normally performed by a lawyer in practice, he shall be deemed to be a practising lawyer.

8. Chambers and pupillage:

1. A lawyer shall not practise unless he is a member of professional chambers or the pupil of such a chamber.
2. Membership of professional chambers under these regulations means -
 - (a) having the lawyer's name exhibited at the chambers (unless he is a pupil) and that lawyer having the right to use the chambers for the conduct of his practice; and
 - (b) that lawyer having the services of the clerk of the chambers.
3. Membership of chambers includes being a sole occupier of chambers.
4. All professional chambers shall be registered with the Association.
5. A lawyer registered after the commencement of these Regulations shall not have his own chambers unless he has been issued with a Certificate of Pupillage by the General Council.
6. A lawyer who is a member of professional chambers may use his private residence for professional work, but a part of a private residence shall not be eligible to be regarded as professional chambers for the purposes of these Regulations unless that part is clearly separated from the purely residential part of the premises.
7. A lawyer shall not receive a pupil into his chambers unless that lawyer has been in practice for not less than seven years and has notified the General Council in writing of the proposed pupillage.
8. After six month's pupillage a pupil shall be required to leave the professional chambers of his senior unless otherwise agreed by his senior.
9. Where it appears to the General Council that a pupil has satisfactorily completed six months' pupillage the Council may issue to the pupil a Certificate of Pupillage.

PART III
DISCIPLINE

9. Disciplinary measures:

1. A lawyer who has committed any act declared to be a professional misconduct under the Code of Ethics of the Association is liable -
 - (a) to have his name struck off the Register of Lawyers,
 - (b) to be suspended from practising as a lawyer,
 - (c) to be fined,
 - (d) to be censured or admonished.
2. In determining which sanction to impose in any particular case, the General Council shall have regard to the circumstances and gravity of the particular act constituting the misconduct.
3. The General Council may make such consequential orders as it thinks fit for the purpose of mitigating the effect of any misconduct, and generally such other orders as may be necessary having regard to all the circumstances.

PART IV
KEEPING OF ACCOUNTS

10. Lawyer's accounts:

1. Every lawyer shall give a receipt for every payment made to him, and shall specify therein the purpose for which the payment was made.
2. Every lawyer shall at all times keep properly written up such books of account as may be necessary -
 - (a) to show all his dealings with -
 - (i) Clients' money held, received or paid by them; and
 - (ii) any other moneys dealt with by him through client's accounts; and
3. All dealings referred to in paragraph (2) (a) of this regulation shall be recorded in -
 - (a) a client's cash book, or a clients column on the credit side or the debit side (as may be appropriate) of a cash book, and
 - (b) of a client's ledger or a client's column on the credit side or the debit side (as may be appropriate) of a ledger and no other dealings shall be recorded in such client's cash book and ledger, or, as the case may be, in such client's columns.
4. All dealings of a lawyer relating to his practice as a lawyer other than those referred to in paragraph 2(2) of this regulation shall be recorded (as may be appropriate) in such other

cash book and ledger (if any) or such other columns of a cash book and ledger (if any) as the lawyer may choose to maintain.

5. Every lawyer shall preserve for at least six years from the date of the last entry therein all books, accounts and records kept by him under these Regulations.
6. Nothing in these Regulations shall deprive a lawyer of any recourse or right, whether by way of lien, set-off, counter-claim, charge or otherwise, which may lawfully be exercised against moneys standing to the credit of a client's account.
7. In this regulation each of the expressions "book", "ledger", and "record" shall be deemed to include a loose-leaf book and such cards or other permanent document as are necessary for the operation of a mechanical system of book-keeping.

PART V

MISCELLANEOUS

11. Ceasing of membership:

A person who wishes to cease to be a lawyer may in writing request the General Council to cause his name to be removed from the Register of Lawyers.

12. Restoration to Register:

1. A person who had ceased to be registered as a lawyer under Regulation 11 may in writing request the General Council to have his name restored to the Register of Lawyers.
2. A lawyer whose name has been struck off or otherwise removed from the Register may have his name restored to the Register if the General Council is satisfied that he has become subsequently a fit and proper person to be a member of the Association or if a Court of competent jurisdiction orders that his name be restored.

13. Interpretation:

In these Regulations:

"Association" means the Ghana Bar Association;

"Chambers" includes the Attorney General's Chambers;

"practice" in relation to a country other than Ghana means practice as a barrister, solicitor or advocate or in like capacity by whatever name called;

"pupil" means a lawyer who has not served the six months post-qualification pupillage.