

GOVERNMENT OF ZAMBIA

# ACT

No. 21 of 1981

Date of Assent: 16th December, 1981

## An Act to amend the Legal Practitioners Act

[18th December, 1981

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Legal Practitioners (Amendment) Act, 1981, and shall be read as one with the Legal Practitioners Act, 1973, hereinafter referred to as the principal Act.

Short title.  
Act No. 22  
of 1973

2. Section *thirteen* of the principal Act is amended in subsection (2) by the insertion, immediately after "petition to the Chief Justice", of ", and shall include an undertaking in writing as to requisite practical experience,".

Amendment  
of  
section 13

3. The principal Act is amended by the insertion, immediately after section *thirteen*, of the following new section:

Insertion of  
section 13A

13A. (1) An applicant to whom section *thirteen* applies shall be deemed, in his undertaking as to requisite practical experience, to have undertaken—

Undertaking  
as to  
requisite  
practical  
experience

(a) that he shall not, until he has satisfied the Association that he has gained the requisite practical experience—

(i) set up a legal practice, open a law office or in any way practise law on his own account;

(ii) establish, or become a partner in, any firm of lawyers; or

(iii) appear before the Supreme Court; and

(b) that if he violates any of the terms of the undertaking, he shall, in addition to being in contempt of court, be deemed to be guilty of professional misconduct.

(2) In this Part, "requisito practical experience" means such active employment for a continuous period of, or for periods amounting in all to, three years as shall have been certified as being satisfactory by the relevant practitioner of the prescribed standing or head of the relevant department, as the case may be, in—

- (a) the office of a practitioner of the prescribed standing;
- (b) a firm of practitioners where at least one supervising partner was, throughout the period of such employment, a practitioner of the prescribed standing;
- (c) a judicial or legal capacity in the Judicial Department, the Attorney-General's Chambers, the Directorate of Legal Aid, the Lands Department, the Chambers of the Director of Public Prosecutions, the Administrator-General's Department, or any other department of the Government which may be approved for the purpose by the Chief Justice in consultation with the Attorney-General;
- (d) the legal department of a district council, a statutory corporation, a company or organisation, where at least one supervising officer was, throughout the period of such employment, a practitioner of the prescribed standing; or
- (e) such other capacity or office as the Chief Justice may, in consultation with the Association, approve for the purpose.

Amendment  
of  
section 36

4. Section *thirty-six* of the principal Act is amended—

- (a) in paragraph (a) of subsection (1)—
  - (i) by the re-numbering of sub-paragraphs (i) and (ii) as (ii) and (iii) respectively; and
  - (ii) by the insertion, immediately after "practising certificate shall—", of the following new sub-paragraph:
    - (i) obtain from the Association a certificate showing that he is a member in good standing of the Association;
- (b) in subsection (5) by the deletion of "the sum of twenty kwacha" and the substitution therefor of "a fee not less than thirty kwacha".

Amendment  
of  
section 40

5. Section *forty* of the principal Act is amended in subsection (3) by the deletion of "twenty kwacha" and the substitution therefor of "such sum as may be prescribed or, if no sum is prescribed, of not less than fifty kwacha".

6. Section *sixty-nine* of the principal Act is amended—

Amendment  
of  
section 69

- (a) by the re-numbering of subsections (3), (4) and (5) as (6), (7) and (8) respectively; and
- (b) by the insertion, immediately after subsection (2), of the following new subsections:

(3) The provisions of subsections (4) and (5) and of the Third Schedule shall apply in relation to any practitioner who—

- (a) dies;
- (b) abandons his practice;
- (c) is adjudged bankrupt or makes a composition or arrangement with his creditors; or
- (d) is prevented, for any other reason, from performing his functions as a practitioner;

and in relation to whom the Association is satisfied that his clients are likely to suffer due to his failure to make such suitable arrangements as are referred to in subsection (2).

(4) On an application of the Association in relation to a practitioner to whom subsection (3) applies, the High Court or a Judge thereof may, in addition to any other order made under the provisions of the Third Schedule, order that all sums of money held by or on behalf of such practitioner or his firm which are or are deemed to be clients' money in accordance with the provisions of Part VIII, or which are so held in connection with any trust of which he is or formerly was a sole trustee, and the right to recover or receive such sums, shall vest in the Association.

(5) Where any sums of money vest in the Association by virtue of the provisions of subsection (4), the Association shall—

- (a) maintain a separate account for such sums;
- (b) hold such sums on trust for the persons beneficially entitled thereto; and
- (c) deal with such sums in accordance with any rules which may be prescribed.