

**THE LEGAL PRACTITIONERS  
(AMENDMENT) BILL, 2009**

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MEMORANDUM

The object of this Bill is to amend the Legal Practitioners Act so as to

- (a) revise the professional and academic qualifications necessary for a person to be admitted as a legal practitioner;
- (b) confer the rank and dignity of a State Counsel upon the Director of Public Prosecutions; and;
- (c) provide for matters connected with or incidental to the foregoing.

M. MALILA,  
*Attorney-General*



# A BILL

ENTITLED

## An Act to amend the Legal Practitioners Act.

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Legal Practitioners (Amendment) Act, 2009, and shall be read as one with the Legal Practitioners Act, in this Act referred to as the principal Act.

Short title

Cap. 30

5 2. The principal Act is amended by the repeal of section *eleven* and the substitution therefor of the following new section:

Repeal and replacement of section 11

10 11. (1) Subject to subsection (1) of section *thirteen*, a person may be admitted as a practitioner if that person—  
(a) is a holder of a degree in law obtained from a public university established under the University Act, 1999, and whose programme has been accredited by the Council of the Zambia Institute of Advanced Legal Education; or  
15 (b) is a holder of a degree in law obtained from a private university registered in accordance with the provisions of the University Act, 1999, and whose programme has been accredited by the Council of the Zambia Institute of Advanced Legal Education;  
20 or  
(c) is a holder of a degree in law obtained from a university outside Zambia in a country operating the Common Law system approved by the Council of the Zambia Institute of Advanced Legal Education and whose degree in law is recognised by a university accredited under the Zambia Institute of Advanced Legal Education Act as academically equivalent to a degree of that  
25 accredited university; and

Professional and academic qualifications Act No. 11 of 1999

Act No. 11 of 1999

Cap. 49

(d) has—

- (i) for one year, attended a course of post graduate study required by the Council of the Zambia Institute of Advanced Legal Education and provided by the Zambia Institute of Advanced Legal Education and has been duly certified as having fulfilled the requirements of such course by the Director of the Institute; or
- (ii) after having obtained a degree, completed two years' service in Zambia as an articulated clerk under articles of clerkship to a practitioner; and

(e) has passed the Legal Practitioners Qualifying Examination.

(2) Notwithstanding subsection (1), a person may be admitted as a practitioner if that person is a qualified lawyer, by whatever name called, and thereby has a right of audience before courts exercising original civil or criminal jurisdiction in a self governing State which is, or was at any time, a Member State, or was part of a Member State, of the Commonwealth of Nations and which applies as its predominant basic system of law the Common Law or a legal system founded upon the Common Law and—

(a) that person—

- (i) has been a practising lawyer of not less than three years' standing in the State in which the person is entitled to practice;
- (ii) has been actively employed for not less than six months in Zambia —
  - (A) in a legal capacity in the office of a practitioner of prescribed standing;
  - (B) in a judicial or legal capacity in a department of Government prescribed by the Minister;

5 (C) in the department of a town clerk who is  
admitted as a practitioner under this Act  
and is the person's employer, or the  
public officer in charge of the  
department of Government in which the  
person has served, or under whom the  
person has worked, as the case may be,  
has certified the person's work as being  
satisfactory; or

10 (iii) has for one year attended a course of post graduate  
study required by the Council of the Zambia  
Institute of Advanced Legal Education, and has  
been duly certified as having fulfilled the  
requirements of such course by the Director of  
15 the Institute; and

(iv) has passed such parts of the Legal Practitioners'  
Qualifying Examination set by the Council of  
the Zambia Institute of Advanced Legal  
Education as may be specified by the Council;  
20 or

(b) that person —

(i) has been a practising lawyer of not less than three  
years' standing in the State in which the person  
is entitled to practice and the Council of the  
25 Zambia Institute of Advanced Legal Education,  
after consultation with the Minister and the Chief  
Justice, deems the person's qualifications to be  
sufficient for the purposes of this section;

30 (ii) has been actively employed for not less than one  
year in Zambia—

(A) in a legal capacity in the office of a  
practitioner of prescribed standing;

(B) in a judicial or legal capacity in a department of Government prescribed by the Minister;

(C) in the department of a town clerk who is admitted as a practitioner under this Act 5 and is the person's employer, or the public officer in charge of the department of Government in which the person has served, or the town clerk under whom the person has worked, as 10 the case may be, has certified the person's work as being satisfactory; or

(iii) has for one year attended a course of post graduate study required by the Council of the Zambia Institute of Advanced Legal Education, and has been duly certified 15 as having fulfilled the requirements of such course by the Director of the Institute; and

(iv) has passed the Legal Practitioners Qualifying Examination set by the Council of the Zambia Institute of Advanced Legal Education. 20

Amendment  
of section 12

3. Section *twelve* of the principal Act is amended in subsection (1) by the deletion of paragraph (b) and the substitution therefor of the following:

(b) the person has obtained a degree in law from a university established under, or registered in accordance with, the 25 University Act, 1999, and whose programme has been accredited by the Council of the Zambia Institute of Advanced Legal Education; and.

Act No. 11 of  
1999

Repeal and  
replacement  
of section 16

4. The principal Act is amended by the repeal of section *sixteen* and the substitution therefor of the following new section: 30

16. Upon the appointment of any person to the office of Attorney-General, Solicitor-General or Director of Public Prosecutions, the rank and dignity of a State Counsel for Zambia shall be conferred upon that person by the President.

Attorney-  
General,  
Solicitor-  
General and  
Director of  
Public  
Prosecutions  
to be  
appointed  
State  
Counsel for  
Zambia

