

IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

LEGAL PROFESSION ACT, 1983

(1983/12/31)

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PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the **“Legal Profession Act, 1983.”**

2. Deleted.

Interpretation

3. In this Act, unless the context otherwise requires:

“Union” means the General Union of Sudanese Advocates.

“Practice of law” includes practising law before all courts.

“Licence” means a licence to practise law issued by the Advocates' Admission Committee and valid in accordance with the provisions of this Act.

“Judge” means all judges except a member of the non-legal Judicial Council or a member of any court lower than the Judicial Council, and includes the Head of the Judiciary or any person holding judicial office.

“Committee” means the Advocates' Admission Committee established under section 4.

“Courts” means the courts established under the Judicial Authority Act, 1986, and includes courts established under special laws, military courts, disciplinary councils, arbitration tribunals, judicial committees, and any other body having judicial or quasi-judicial jurisdiction.

“Senior Advocate” means an advocate who has practised law for a period of not less than ten years and in whose office an advocate under training serves his training period, provided that no decision suspending or cancelling the senior advocate's licence has been issued against him.

“Legal Adviser” includes the Attorney and legal advisers in the Ministry of Justice.

“Legal Officer” means any officer holding a legal position in any other body apart from the Ministry of Justice, whether governmental or non-governmental, in respect of which a decision has been issued by the Committee.

“President” means the President of the Advocates.

PART II

ADVOCATES' ADMISSION COMMITTEE

Establishment and composition of the Committee

4.

1. For the purposes of this Act, a committee called the **“Advocates' Admission Committee”** shall be established. It shall be responsible for granting licences to practise law and shall perform the duties and exercise the powers vested in it by this Act.

2. The Committee shall be composed as follows:

(a) The President of the Advocates, as Chairman;

(b) A High Court Judge appointed by the Chief Justice, as a member;

(c) A Court of Appeal Judge appointed by the Chief Justice in consultation with the President of the Judicial Authority of Khartoum State, as a member;

(d) A Senior Legal Adviser appointed by the Minister of Justice, as a member;

(e) An advocate who has practised law for not less than fifteen years, selected by the Central Committee of the Union, as a member.

3. The Committee shall have a Secretary selected by its Chairman who, under his supervision, shall undertake all administrative and clerical work, including recording the minutes of meetings and implementing the decisions issued by the Committee.

4. The headquarters of the Committee shall be at the building of the Federal Supreme Court in Khartoum. The Chairman may, by decision, convene the Committee at any other place.

5. The Committee shall make internal regulations governing its procedures.
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PART III

CONDITIONS FOR PRACTISING LAW

Licensing and entry in the Roll of Advocates

5. A person shall not practise law unless he has obtained a licence issued by the Committee and has signed against his name entered in the Roll of Advocates referred to in section 11.

Conditions for licensing

6.

1. A licence to practise law shall not be granted except to a person who satisfies the following conditions:

(a) He is Sudanese;

(b) He is of sound mind;

(c) He has attained at least twenty-one years of age at the time of making the application;

(d) He is of good conduct and good reputation and has not been sentenced to imprisonment for an offence involving dishonesty or moral turpitude, unless he has been granted a general pardon;

(e) He holds a degree in law from a recognised university and has passed the examination prescribed under any law in force regulating the legal profession, unless he has been exempted from the examination in accordance with the provisions of that law;

(f) He has completed the training period in accordance with section 15, unless he has been exempted under section 16.

2. Notwithstanding paragraph (a) of subsection (1), a foreign advocate who held a valid licence on the date this Act came into force may renew that licence in accordance with this Act for a maximum period of two years, after which the licence shall be cancelled. During that period, he shall pay the prescribed fee and Union subscriptions but shall not have the right to participate in the Social Security Fund.

Applications for licences and examination of applicants

7.

1. The Committee shall hold a regular meeting every three months to examine applications for licences and interview applicants and to ascertain that they are qualified to practise law in accordance with this Act. It may advance the date of its meetings where necessary.

2. Where the Committee is satisfied that the conditions set out in section 6(1) have been met, it shall require the applicant to pay the prescribed fee in the Second Schedule to this Act. Upon payment of the fee, the Committee shall issue the licence in accordance with Form (A) in the First Schedule to this Act.
3. Where the applicant does not satisfy the required conditions, the Committee shall reject the application by a decision stating the reasons for rejection. The applicant shall be notified of the decision by registered letter and, where possible, orally on the same day. A person whose application has been rejected may request the Committee, within two weeks of being notified of the rejection, to reconsider the decision. The decision on reconsideration shall be final.
4. Subject to the provisions of the Judicial Authority Act, 1986, where an application for a licence is submitted by a judge dismissed from the Judicial Authority or by a legal adviser dismissed from service for any reason, the Committee may postpone consideration of the application for a period not exceeding three years from the date of dismissal or termination of service. In such case, the Committee shall issue a reasoned decision specifying the period of postponement and shall notify the applicant by registered letter. After expiry of that period, the applicant may submit a new application for consideration. He shall also have the right to request reconsideration of the decision once within two weeks of receiving or being sent the decision of rejection. The Committee's decision on reconsideration shall be final.

Duration of licence

8. A licence shall be valid for one year and shall expire at the end of the thirty-first day of December of the year in which it was issued. It shall be renewed annually upon payment of the prescribed fee in the Second Schedule to this Act.

Entry in the Roll of Advocates, signature and oath

9.

1. Upon granting the licence, the Secretary of the Committee shall enter the name of the licence holder in the Roll of Advocates in accordance with section 11. The licence holder shall sign against his name in the Roll and shall then take before the Committee the following oath:

“I swear by Almighty God that I shall perform my duties with honesty and integrity, that I shall uphold the word of truth and justice, that I shall preserve the confidentiality of the legal profession, and that I shall respect its laws and traditions.”

2. A licence holder shall not practise law until he has signed his name in the Roll of Advocates and taken the oath before the Committee.

Loss of a condition upon which the licence was granted

10. The Committee shall, on its own initiative or upon a complaint submitted to it:

(a) cancel the advocate's licence and order the removal of his name from the Roll of Advocates if the advocate ceases to satisfy the condition of Sudanese nationality or is sentenced to imprisonment for an offence involving dishonesty or moral turpitude, in accordance with section 6(1)(a) and (d);

(b) order the suspension of the advocate's licence and make an appropriate entry against his name in the Roll of Advocates if he ceases to satisfy the capacity requirement under section 6(1)(b).

In either case, the Committee shall notify the advocate of its decision by registered letter. He may request the Committee, within thirty days following notification of the decision, to reconsider it. The decision on reconsideration shall be final.

PART IV

ROLL OF ADVOCATES BEFORE THE COURTS

Roll of Advocates

11.

1. The two Rolls of Advocates established before the enactment of this Act shall continue in force after being merged, and the name of every person granted a licence to practise law before the courts in accordance with this Act shall be entered consecutively in the unified Roll. The Roll shall, in respect of the advocates entered therein, constitute the general Roll of Advocates before the courts according to the particulars contained therein and any particulars subsequently added after the commencement of this Act.
2. The said Roll shall contain the names and addresses of all advocates practising before the various courts.
3. The names of advocates in the Roll shall be arranged according to the date on which they signed the Roll. Their places of residence and the dates of issuance of their licences shall be stated, together with any subsequent cancellation, suspension or other restrictions affecting their appearance before any court.

Deposit of the Roll of Advocates

12.

1. The Roll referred to in section 11 shall be deposited with the Chairman of the Committee. The Committee shall prepare a periodic list from which all advocates whose names indicate that their licences have been cancelled or suspended shall be removed, and shall send a copy or copies of that list to the courts and to the Undersecretary of the Ministry of Justice.
 2. The Roll shall be reviewed at every regular meeting of the Committee to ensure the accuracy of its contents.
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PART V

TRAINING FOR LEGAL PRACTICE

Application for training in legal practice

13.

1. Any Sudanese person who holds the academic qualification prescribed in section 6(1)(e) may apply to the Committee to be entered as an advocate under training.
2. The application shall be accompanied by proof that the applicant is Sudanese and possesses the required qualification under subsection (1), together with the consent of a Senior Advocate to accept the applicant for training in his office under his direct supervision, control and responsibility.
3. The Chairman of the Committee shall decide whether to accept or reject the application and shall notify the applicant and the Senior Advocate of the decision in writing.
4. If the application is accepted, the applicant's name shall be entered in the Roll of Advocates under Training, and he shall sign against his name in that Roll. The training period shall commence from the date of signature. A person whose application has been rejected by the Chairman may appeal the decision to the Committee within thirty days following notification thereof. The Committee's decision on the appeal shall be final.

Roll of Advocates under Training

14.

1. There shall be a Roll of Advocates under Training deposited with the Chairman of the Committee. It shall contain the names of persons whose applications have been

accepted by the Chairman, arranged according to the dates of acceptance. Against each name shall be stated the applicant's place of residence, the date on which training commenced, the name of the Senior Advocate, and any changes occurring to those particulars during the training period.

2. The Chairman of the Committee shall notify the courts and relevant authorities of the entry of the advocate under training in the Roll of Advocates under Training.

Duration of training

15.

1. The training period shall be one continuous year on a full-time basis, which the advocate under training shall spend in the office of a Senior Advocate.
2. The Chairman of the Committee, after consultation with the President of the Advocates, may extend the training period for one or more additional periods, each not exceeding one year, provided that the total extension does not exceed three years. The decision shall state the reasons for the extension. If the advocate under training completes the period without applying for a licence to practise law, his name shall be removed from the Roll, and he shall not be re-entered until one year has elapsed from the date of removal.
3. Any period spent by the applicant for a licence as a judge, legal adviser, prosecutor or legal officer, or as a member of the law faculty of any university in the Republic of Sudan, shall be counted as part of the training period.
4. An advocate under training may request the Chairman of the Committee to approve completion of his training in the office of another Senior Advocate, provided that he states in his application the reasons for the request and attaches the consent of the new Senior Advocate to accept him for training under his supervision, control and responsibility, together with a certificate from the former Senior Advocate stating the applicant's attendance, manner of performing his work and conduct during the period spent in his office.

Exemption from training

16. The Committee may exempt from the training requirement a person who has previously practised law in a country other than Sudan and has passed the examination prescribed under a law in force regulating the legal profession, or has been exempted from such examination.

Matters prohibited to advocates under training

17.

1. An advocate under training shall not open an office in his own name throughout the training period.
2. An advocate under training is prohibited from appearing before any court except in the company of the Senior Advocate.

Duties of an advocate under training

18.

1. An advocate under training shall regularly perform his work and attend court. The Senior Advocate shall notify the Chairman of the Committee of any interruption of work or failure to attend court by the advocate under training.
2. If an advocate under training fails to comply with the duty prescribed in subsection (1), the Chairman of the Committee shall extend the training period in accordance with section 15(2).

Committee for Advocates under Training

19. The Council of the Union shall constitute a permanent committee to consider the circumstances of advocates under training, assist in placing them in suitable positions, and ensure the adequacy of their training. It shall determine the dates of its meetings and its functions.

Remuneration of advocates under training

20. The committee referred to in section 19 shall determine the minimum remuneration payable to advocates under training for the purpose of enabling them to maintain a decent and appropriate standard of living consistent with their profession. It shall also determine the sources from which such remuneration shall be paid, whether by the Senior Advocate, the Central Committee of the Union, or both.

PART VI

APPEARANCE BEFORE COURTS AND PROHIBITION OF COMBINING LEGAL PRACTICE WITH OTHER WORK AND EMPLOYMENT

Appearance of non-advocates before courts

21. Notwithstanding section 5, the following persons may appear and plead before courts:

(a) Legal advisers when appearing on behalf of various organs of the State, whether legislative, executive or administrative, including ministries, departments, authorities and governmental and semi-governmental institutions;

(b) Legal officers and other employees authorised by any body having legal personality, whether public or private, where the court permits them to appear before it in a particular case or matter;

(c) Spouses, in-laws, ascendants or descendants of the parties, or persons related to them up to the third degree, where the court permits them to appear in a particular case or matter after submission of a notarised power of attorney from the person they represent, issued by an official authority;

(d) Foreign advocates authorised by the Committee under Form (B) in the First Schedule to appear before courts in a particular case or matter, after payment of the prescribed fee in the Second Schedule to this Act, provided that the Committee observes the principle of reciprocity when granting the authorisation, that the foreign advocate associates with him a Sudanese licensed advocate, and that he complies with this Act and the regulations made thereunder. If the foreign advocate fails to comply with the foregoing, the Committee shall cancel the authorisation.

Substitution between advocates

22. An advocate, whether an original party or an agent in a particular case or matter, may, under his full responsibility, appoint another advocate to appear on his behalf therein unless expressly prohibited from doing so.

Substitution in cases of death and otherwise

23.

1. In the event of the death of an advocate, suspension or cancellation of his licence and removal of his name from the Roll of Advocates, or where he is unable to continue acting for any reason, the Central Committee of the Union shall appoint another advocate to replace him temporarily and take the measures necessary to protect the interests of the client until the client chooses another advocate. The appointment shall not exceed one month.
2. The decision of the Central Committee of the Union shall have the effect of a power of attorney issued by the person concerned.

Prohibition of advocates appearing in certain cases

24.

1. An advocate who is a member of the legislative body, a local government council, a board of directors of a governmental or semi-governmental authority, or any other governmental council or committee shall not appear for another person against the authority, council or committee of which he is a member. He shall also not appear for another person, after leaving such membership, in a case or matter that was before him or in which he expressed an opinion during his membership.
2. A person who has practised law after leaving employment as a judge, legal adviser or legal officer shall not appear personally, or through an advocate working for him, in a case or matter that was before him or in which he expressed an opinion before entering legal practice.

Prohibition of combining legal practice with certain work and employment

25.

1. Legal practice shall not be combined with any of the following:

(a) Presidency of the legislative authority;

(b) Presidency or membership of the Council of Ministers;

(c) Employment by private individuals or by any governmental or non-governmental body, including employment by associations, companies, authorities or institutions generally. This does not include the chairman or member of the board of directors of such bodies, nor their advocate or legal adviser where he has no other employment therein for which he receives remuneration. Members of law faculties at any university in the Republic of Sudan are also exempted;

(d) Engaging in commerce;

(e) Engaging in any work inconsistent with the honour and traditions of the profession.

2. The Committee, on its own initiative or upon a complaint submitted to it, shall order the suspension of an advocate's licence if it is established that he has taken up an employment or work contrary to subsection (1). The Committee shall notify the advocate of the decision by registered letter. He may request reconsideration by the Committee within thirty days following notification of the decision, and the decision on reconsideration shall be final.

PART VII

DUTIES OF ADVOCATES AND LEGAL AID

Division One

Duties of Advocates

Advocate's office and address

26.

1. An advocate shall have an office in which he conducts his legal practice and shall notify the Committee of the address of his office and of every change in that address so that it may be entered against his name in the Roll of Advocates. Otherwise, notices concerning the application of this Act may be served upon him at his place of residence recorded in the Roll of Advocates.
2. An advocate shall not advertise himself in newspapers or by any other means. However, he may place outside his office a small sign or plaque stating his name, profession and legal qualifications.

Renewal of licence and payment of Union subscriptions

27.

1. An advocate shall renew his licence annually no later than the end of January of each year; otherwise, the licence shall be deemed suspended until renewed.
2. An advocate shall pay the annual Union subscription no later than the end of March of each year, unless exempted by a decision of the Central Committee of the Union in accordance with the Union's internal regulations. The Central Committee of the Union shall notify the Committee, no later than the middle of May of each year, of the names of advocates who have not paid their subscriptions. The Committee shall suspend their licences until the subscriptions are paid.
3. If three years elapse from the date of suspension of the licence without the advocate paying the outstanding subscriptions within thirty days of being notified to pay them, the Central Committee of the Union shall refer the matter to the Committee. In such case, the licence shall be cancelled and the advocate's name removed from the Roll. He shall not be licensed again until he has paid the outstanding subscriptions and the fee for the new licence.

Advocate's robe

28. Advocates shall not appear before the Supreme Court or Courts of Appeal except in their prescribed robes. They shall not appear before any other court in clothing that is inappropriate to the profession or inconsistent with the dignified appearance of an advocate.

Advocate's duty towards his client

29. An advocate shall exert his utmost efforts in the interests of his client and shall be responsible for performing the duties entrusted to him in accordance with the terms of the power of attorney, and for exceeding the limits of the authority granted to him or committing gross negligence.

Abstention from insulting opponents

30. An advocate shall refrain from attacking or insulting opponents, mentioning personal matters that may harm them, or accusing them of matters affecting their honour or reputation, unless the nature of the case or the necessity of defending the client's interests requires it.

Abstention from assisting the opponent

31. An advocate shall not, as a general rule, represent conflicting interests and, in particular, shall not provide any assistance, including advice, to his client's opponent in the same case or matter in which he was previously instructed, or in any dispute connected with it, even after termination of his representation. This prohibition shall apply to all advocates working with him in his office in any capacity.

Professional secrecy

32.

1. An advocate shall not disclose secrets learned from his client or facts or information that have come to his knowledge through his profession, even after termination of his representation or cessation of his professional capacity, unless disclosure was intended to facilitate the commission of a crime.
2. An advocate shall not be required to give evidence in a dispute in which he acted or gave advice unless the client gives him written permission to do so.

Prohibition against purchasing disputed rights

33. An advocate shall not purchase, in his own name or under an assumed name, all or part of a disputed right. Any such sale shall be void.

Fees which may not be agreed upon

34. An advocate shall not agree to receive a portion of the disputed rights as his fee, nor agree upon remuneration calculated according to the amount or value awarded in the case. Nor may he enter into any fee agreement that gives him an interest in the case or matter entrusted to him.

Prohibition against employing a person whose licence has been suspended or cancelled

35. An advocate shall not employ or otherwise associate, in connection with legal work, any person whose licence has been suspended or cancelled during the period of suspension or cancellation.

Withdrawal from representation

36. Subject to section 41(1), an advocate shall not withdraw from his representation unless he notifies his client by registered letter whenever practicable. He shall continue to conduct the proceedings for a reasonable period from the date of such notification until his client appoints another advocate.

Matters to be returned upon termination of representation

37.

1. Upon termination or cancellation of his representation for any reason, an advocate shall, upon the client's request, return all papers, books, documents, money and other property in his possession on behalf of the client, without prejudice to any right conferred upon him by law to retain them as security for payment of fees, charges or other expenses due to him and unpaid by the client.
2. An advocate shall not be obliged to deliver to his client drafts of documents prepared by him in the case, correspondence received from the client, or documents relating to expenses paid by the advocate on behalf of the client for which the advocate has not been reimbursed. Nevertheless, the advocate shall provide the client with copies of such papers upon request and at the client's expense.
3. The client's right to demand papers, documents or money held by the advocate by reason of the representation shall lapse after three years from the date of completion of the work for which he was instructed, or from expiry or cancellation of the power of attorney, as the case may be.

Retirement from legal practice and return thereto

38.

1. An advocate wishing to retire from legal practice for any reason shall notify the Committee of his intention. His licence shall then be deemed suspended until he returns to practice pursuant to an application approved by the Committee.
2. A person who has retired from legal practice and whose licence is suspended under subsection (1) shall not conduct any legal work. However, he may continue to claim any

fees, charges or expenses due to him for work or services performed before his retirement.

DIVISION TWO

LEGAL AID

Cases in which legal aid is provided

39. The Committee shall provide legal aid, including legal advice and appearance before courts, in the following cases:

- (a)** Where one of the parties to a civil case applies to the Committee for legal aid and the Committee establishes that he is indigent and unable to pay legal fees and that there are reasonable grounds for the case;
- (b)** Where the Undersecretary of the Ministry of Justice or a criminal court requests the Committee to appoint an advocate to defend an accused person;
- (c)** In any other case prescribed by regulations issued under this Act.

Advocate's duty to provide legal aid

40.

1. An advocate appointed by the Legal Aid Committee shall provide such aid immediately upon being notified of the appointment. He shall not refuse to provide the aid or withdraw from the assignment except for reasons accepted by the Committee.
2. An advocate appointed to provide legal aid under section 39(b) shall provide such aid in return for fees assessed by the criminal court in the judgment it issues. Such assessment shall not be subject to appeal in any manner. The fees shall be paid to the advocate from the budget of the Ministry of Justice. In other cases, the appointed advocate shall provide legal aid free of charge. However, he may receive from the Union reimbursement of necessary expenses incurred in performing his duties, charged to the Social Security Fund.
3. Where judgment is given in favour of the person receiving legal aid, the legal fees awarded by the court shall accrue to the Social Security Fund, and the court shall state this in its judgment.

4. Advocates shall be appointed in accordance with regulations issued by the Committee. Until such regulations are issued, appointments shall be made as the Committee considers appropriate.

Contribution by an applicant for legal aid

41. The Committee may grant legal aid to an applicant free of charge or require him to contribute a specified amount determined according to his financial hardship. Such amount shall accrue to the Social Security Fund for Advocates.

PART VIII

RIGHTS OF ADVOCATES

Fees due to advocates

42.

1. Without prejudice to section 34, an advocate shall be entitled to legal fees for performing the work entrusted to him and may also recover expenses incurred for the benefit of his client.
2. Any agreement entered into between an advocate and his client shall not be binding upon either party unless the agreement:

(a) is in writing and states the date of the agreement;

(b) is signed by both parties;

(c) specifies all services or work to be performed by the advocate; and

(d) states the total amount to be paid by the client to the advocate for those services.

3. The amount payable to the advocate shall become due upon signature of the agreement unless the agreement expressly provides otherwise.
4. The amount payable to the advocate shall include all services provided as well as expenses, fees and costs paid for commencing and completing the work covered by the agreement, unless those services, fees or expenses, if any, are expressly excluded from the agreement.
5. The Minister of Justice, upon a complaint by an interested person and after consultation with the Committee, may amend any agreement entered into between an advocate and his client concerning fees if, in light of the circumstances surrounding and affecting the

agreement, he is satisfied that the fees are excessive, inflated, or disproportionate to the size, type or nature of the legal services performed or to be performed by the advocate for his client under the agreement. In such case, the Minister of Justice shall, after consultation with the Committee, determine the fees he considers fair and reasonable in accordance with the provisions of this section.

6. Where the advocate has received all or part of the fees agreed upon in writing under this section, or orally under subsection (3), the Minister of Justice may, upon a complaint submitted by an interested person within twelve months from the date on which the last amount was paid to the advocate and after consultation with the Committee, order him to return all or part of the fees received if satisfied, in light of the circumstances surrounding and affecting the agreement, that the fees were paid for work that the advocate did not perform, or that they were excessive, inflated or disproportionate to the size, type or nature of the legal services performed or to be performed by the advocate for the client under the agreement.
7. An order for repayment of fees issued by the Minister of Justice shall be deemed to be a judgment imposing a fine upon the advocate and shall be enforced in accordance with the Criminal Procedure Act, 1991. The Minister of Justice shall have the power to issue enforcement orders under that Act.
8. Charging excessive, inflated or inappropriate fees in relation to the size, type and nature of legal services shall be considered conduct inconsistent with the honour of the profession or conduct that diminishes its dignity. The Minister of Justice, after consultation with the Committee, may order that the advocate be referred to the Disciplinary Council.
9. Where there is no written agreement between the advocate and client, the advocate shall, after completing the required work, be entitled to fair and reasonable fees, which shall not be less than the fees ordinarily charged for similar work. The advocate shall provide the client with an itemised statement of fees upon request.
10. Where additional work arises from the agreed work which was not contemplated at the time of the agreement, the advocate may claim additional fees after performing such work.
11. Where an advocate settles or arbitrates a case, or otherwise concludes it in accordance with the authority given to him by his client, he shall be entitled to his full fees unless otherwise agreed in writing.
12. Where an advocate withdraws from representation for a legitimate reason and gives timely notice to his client, or where the advocate dies before completion of the work

entrusted to him, or where the client dies and his heirs do not wish the advocate to continue the work, the advocate or his heirs, as the case may be, shall be entitled to fees equivalent to the usual fees for the work actually performed, subject to the agreement between the parties and the provisions of this Act.

Claiming fees

43.

1. An advocate shall not institute an ordinary action to claim fees due from his client. Any dispute concerning fees shall be submitted by application to the court that heard the case, for determination in chambers.
2. The application shall be made to the court where the fees are due in respect of a case or matter before that court or any work connected therewith. In respect of any other matter, the application shall be made to a judge of the General Court in chambers.
3. The person against whom the fees are claimed shall be served with a copy of the application and notice of the hearing by registered letter, requiring him to appear before the judge or submit his defence in writing within the period prescribed by the judge.
4. Notwithstanding subsections (1), (2) and (3), where the fee agreement was not in writing, the advocate shall pay the prescribed court fees applicable to actions before any decision concerning the fees is issued.

Fees as a preferential debt

44. An advocate's fees shall have a special first-ranking preferential right over property or money accruing to the client as a result of the case or work forming the subject of the representation. This preference shall not affect rights registered before commencement of the case or work, nor any preference established by law in respect of amounts due to the Government by way of taxes, fees or other rights.

Limitation of the right to claim fees

45. An advocate's right to claim fees from his client shall lapse after ten years from the date of completion of the work entrusted to him.

Immunity of an advocate in respect of acts occurring during a court session

46.

1. Notwithstanding any other law in force, if an advocate, while appearing before a court in the performance of his duties or by reason thereof, commits a breach of order or any act requiring disciplinary or criminal accountability, the court shall immediately adjourn the

session. The presiding judge shall prepare a record of what occurred and refer it to the Chairman of the Committee.

2. If the Chairman of the Committee considers that an investigation is required, he shall refer the matter to the Advocates' Complaints Council referred to in section 54, which shall commence the investigation within three days from receipt of the record referred to in subsection (1), and shall submit the result of its investigation to the Chairman of the Committee.
3. After considering the investigation, the Chairman of the Committee may order criminal proceedings if the advocate's conduct constitutes an offence punishable under the Penal Code or any other law; refer the advocate to the Disciplinary Council referred to in section 56 if the conduct constitutes merely a breach of duty or order; or order that the matter be closed.
4. The presiding judge of the session in which the incident occurred, or any member thereof, shall not be a member of the body trying the advocate accused criminally or disciplinarily.

Offence committed against an advocate during a court session

47. Any offence committed against an advocate while he is appearing before a court shall be treated as an offence committed against a judge while performing his official duties or by reason thereof, and the offender shall be punished with the same penalty prescribed for that offence.

Investigation of an advocate

48.

1. Except in cases of flagrante delicto or offences affecting State security, before an advocate is arrested or summoned to appear in any investigation, the Central Committee of the Union shall be notified. Where the offence alleged against the advocate is connected with his work, the President of the Union or an advocate delegated by him may attend the interrogation or investigation, subject to the provisions of the Criminal Procedure Act, 1991, and this section.
2. In all circumstances, an accused advocate shall be treated in a manner befitting the honour of his profession in the administration of justice.

Complaint or proceedings by one advocate against another

49.

1. An advocate wishing to institute judicial proceedings against another advocate in any matter arising from their professional relationship shall obtain written permission from the Central Committee of the Union. In urgent cases, such permission may be issued by the President of the Advocates.
2. Where an advocate is appointed through legal aid to institute any proceedings or appear before a court against another advocate, the appointed advocate shall notify the Central Committee of the Union.

Prohibition against attachment or sale of an advocate's books

50. The books and essential contents of an advocate's office necessary for the practice of his profession shall not be attached or sold.

Search of Union premises

51. Decisions or orders for the search of the premises of the Union shall not be executed unless the President or any member of the Central Committee of the Union has first been notified; otherwise, the search and everything resulting therefrom shall be void.

PART IX

DISCIPLINE OF ADVOCATES

Grounds requiring disciplinary action

52.

1. Any advocate who breaches his duties, the honour of his profession, conducts himself in a manner that diminishes its dignity, commits an act affecting the dignity of advocates, or violates any provision of this Act shall be tried before a Disciplinary Council and, upon conviction, shall be punished by one of the penalties prescribed in section 53, without prejudice to any proceedings that may be taken against him under any other law.
2. An advocate shall be deemed to have breached his duties if three complaints from three different courts reach the Committee stating that he has intentionally or negligently caused the proceedings before them to be delayed.
3. The rules of conduct contained in the Code of Professional Ethics issued by the Central Committee of the Union shall constitute binding rules of conduct, and violation thereof shall result in disciplinary accountability.

Penalties

53.

1. The disciplinary penalties that may be imposed are:

(a) Reprimand;

(b) Warning;

(c) Suspension of the licence for a period not exceeding three years;

(d) Cancellation of the licence and removal of the advocate's name from the Roll of Advocates.

2. In all cases, the advocate shall be required to return anything received without legal entitlement, unless the person entitled thereto waives his right.

Advocates' Complaints Council

54.

1. The Committee shall constitute a permanent council of persons of high experience called the **Advocates' Complaints Council**. Its composition shall ensure representation of the judiciary, the Ministry of Justice and advocates. It shall be responsible for considering all complaints concerning the performance, work and notarisational activities of advocates.

2. The Council shall examine every complaint and decide upon it in the manner prescribed by this Act unless, for strong and just reasons, it considers that the complaint does not merit consideration.

Powers of the Advocates' Complaints Council

55.

1. The Advocates' Complaints Council may make such recommendation as it considers appropriate concerning any complaint before it.

2. The Council may visit the office of the advocate against whom the complaint has been made and inspect any papers and books if necessary for deciding the complaint.

3. In addition to the powers mentioned in subsections (1) and (2), the Council may, upon direction of the Committee or on its own initiative after notifying the Committee in writing, visit the office of any advocate to inspect his notarisational records if he is a notary and ascertain whether they comply with the law, and submit a report thereon to the Committee with a copy to the Chief Justice.

The Council may also establish a programme for reviewing the notarisation records of various advocates to ensure compliance with the law and submit annual or semi-annual reports thereon to the Committee, with a copy to the Chief Justice.

4. For the purposes of subsection (3), complaints submitted to the Council or Committee concerning notarisation may be accepted.

Disciplinary Council

56. The Committee may, upon the recommendation of the Advocates' Complaints Council, constitute a Disciplinary Council to hold accountable any advocate whom the Advocates' Complaints Council considers should be referred to a Disciplinary Council. The Committee shall determine the chairmanship and membership of the Disciplinary Council, taking into account the conditions prescribed by this Act.

Constitution of the Disciplinary Council

57.

1. The constitution of the Disciplinary Council shall include representatives of the judiciary, the Ministry of Justice and the legal profession.
2. No member of the Disciplinary Council shall have less experience in legal work than the advocate being disciplined.
3. No person who participated in the investigation of the complaint or who has a special interest connected with it may serve on the Council.

Notice to the advocate

58.

1. The advocate shall be notified of the charge against him by registered letter in sufficient detail to enable him to understand its nature and the date on which he is required to appear before the Disciplinary Council.
2. The registered letter must reach the advocate at least fifteen days before the date fixed for the hearing.

Defence before the Disciplinary Council

59. An advocate may appoint another advocate to defend him before the Disciplinary Council.

Hearing of disciplinary proceedings

60.

1. Disciplinary proceedings shall be heard in private. On the date fixed for the hearing, the Disciplinary Council shall hear all evidence supporting the charge, followed by the evidence presented by the advocate and the advocate's own statement if he appears.
2. Evidence may be presented orally or in writing as the Disciplinary Council determines. Evidence shall not be given on oath unless the Disciplinary Council so decides.
3. The advocate may cross-examine any prosecution witness and may submit written questions concerning testimony given in writing.
4. Subject to this Act, the Disciplinary Council shall exercise the powers and jurisdiction of a court under the Criminal Procedure Act, 1991, concerning the conduct of hearings and investigations necessary for determining the disciplinary case, including compelling witnesses to attend.
5. The Disciplinary Council may hear and determine the disciplinary case even if the accused advocate is absent.

Record of proceedings

61. The Chairman of the Disciplinary Council shall record all evidence heard by the Council and shall endorse every document submitted to the Council. He shall also write the decision of the Disciplinary Council and sign it as of the date on which it is issued.

Decision of the Disciplinary Council

62.

1. The decision of the Disciplinary Council shall be made by an absolute majority and shall state reasons. The reasons shall be read when the decision is pronounced in a private session. Upon issuance, the decision shall be communicated to the Committee, the Undersecretary of the Ministry of Justice and the Central Committee of the Union.
2. If the decision of the Disciplinary Council is issued in the absence of the advocate, he shall be notified of it by registered letter and may request the Disciplinary Council to reconsider the decision within ten days from the date of notification.
3. A decision of the Disciplinary Council shall not be enforced until it becomes final.
4. A decision cancelling an advocate's licence and removing his name from the Roll of Advocates, or suspending his licence, shall have effect before all courts.

Appeal against the decision of the Disciplinary Council

63.

1. An advocate may appeal the decision of the Disciplinary Council to the Committee within fifteen days from the date of pronouncement of the decision if it was made in his presence. If the decision was made in his absence, he may appeal within fifteen days from the expiry of the period for applying for reconsideration, as the case may be.
2. The Committee may reject the appeal and affirm the Council's decision, or accept the appeal and make such order as it considers appropriate.
3. The decision of the Committee on appeal shall be final.
4. Notwithstanding subsection (2):

(a) The Committee may, upon an advocate's application, reconsider its decision affirming a decision of the Disciplinary Council cancelling the advocate's licence and removing his name from the Roll if the advocate presents new evidence capable of proving his innocence. The Committee may do the same, for the same reasons, where the decision was issued by the Disciplinary Council and became final without being appealed.

(b) An advocate against whom a final disciplinary decision cancelling his licence and removing his name from the Roll has been issued may, after at least three years from the date of the decision, apply to the Chairman of the Committee for a licence. The Chairman shall refer the application to the Central Committee of the Union for submission to the General Assembly to issue such recommendation as it considers appropriate.

If the General Assembly recommends acceptance, the Central Committee of the Union shall submit the application, together with the General Assembly's recommendations, to the Committee for consideration. If the Committee considers that the reasons for which the licence was cancelled have ceased to exist, or that the period which has elapsed has been sufficient to reform the advocate's conduct, it may grant him a licence and order that his name be restored to the Roll of Advocates.

If the Committee rejects the application, the advocate may renew it after at least one year has elapsed from the date of the rejection decision. The procedures prescribed in this paragraph shall apply to the new application, and the application may not be renewed more than once.

Disciplinary decisions issued before commencement of this Act

64. An advocate against whom a disciplinary decision was issued before the commencement of this Act may, within one month from the date on which this Act comes into force, apply for reconsideration of that decision, appeal it, or take any other action under this Act in accordance with its provisions.

Consequences of suspension of a licence

65.

1. Suspension of an advocate's licence by a disciplinary decision or for any other reason requiring suspension shall result in suspension of his membership of the Union and prohibition from practising law. If he practises law during the suspension period, he shall be subject to disciplinary punishment, and the penalty in such case shall be cancellation of his licence and removal of his name from the Roll of Advocates.
2. A period of suspension shall not count as a period of legal practice for any purpose under this Act.

Consequences of cancellation of a licence

66.

1. Cancellation of an advocate's licence and removal of his name from the Roll of Advocates by disciplinary decision or for any other reason requiring cancellation shall result in termination of his membership of the Union and prohibition from practising law. If he practises law, he shall be punished with the penalty prescribed in section 71(1).
2. The period during which the licence is cancelled shall not count as legal practice for any purpose under this Act.

Disciplinary trial of an advocate for acts committed before suspension or cancellation of his licence

67. Suspension or cancellation of an advocate's licence shall not prevent him from being subjected to disciplinary proceedings for acts committed while he was practising law. However, he shall not be subjected to disciplinary proceedings if at least five years have elapsed from the date of suspension or cancellation of his licence.

Notification of the Committee and register of judgments

68.

1. Every criminal court that imposes a sentence upon an advocate shall notify the Committee by letter accompanied by a copy of the judgment.
2. The Committee shall maintain a special register in which criminal judgments and final disciplinary decisions issued against advocates shall be recorded.

Constitution of the Union

69. The Preparatory Committee of the Union shall prepare its constitution, approve it, and deposit it with the Registrar-General of Labour Organisations.

PART X

REPEALED

PART XI

MANDATORY NATIONAL SERVICE

Assignment of advocates to perform judicial and legal duties

70.

1. The President of the Republic, after consultation with the Chief Justice, the Minister of Justice and the President of the Advocates, may assign any advocate to perform any duties in the judiciary, the Ministry of Justice, or any other judicial or quasi-judicial body for such period as he considers appropriate, whether for a specified period or without specifying a period.
 2. The assigned advocate shall be given sufficient opportunity to arrange, wind up or transfer the affairs of his office in a manner that does not prejudice his clients.
 3. The period of assignment shall be regarded as a national honour and duty. However, the assigned advocate shall be provided during the period of assignment with allowances appropriate to his status and years of service.
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PART XII

PENALTIES AND REGULATIONS

Penalties

71.

1. Without prejudice to any more severe penalty prescribed by the Penal Code, 1991, any person who impersonates an advocate or practises law in violation of any provision of this Act shall be punished with imprisonment for a term not exceeding one year or with a fine determined by the court.
2. A person convicted under this section shall not be entitled to bring any action to recover any fees or amounts in consideration of work or services performed by him during the

period in which he impersonated an advocate or unlawfully practised law in the manner mentioned above.

Power to issue regulations

72. The Committee may, after obtaining the opinion of the Central Committee of the Union, issue the regulations necessary to implement the provisions of this Act.

Without prejudice to the generality of the foregoing, such regulations may provide for:

(a) Procedures of the Disciplinary Council;

(b) All matters relating to legal aid.

FIRST SCHEDULE

FORM (A)

Licence issued under section 7(2) of the Legal Profession Act, 1983

Name of applicant:

In accordance with section 7(2) of the Legal Profession Act, 1983, the above-mentioned applicant is hereby licensed to practise law before:

.....

Advocates' Admission Committee

Signature:

Issued in Khartoum on the day of month, ... year.

FORM (B)

Authorisation issued under section 21(d) of the Legal Profession Act, 1983

Name of applicant:

In accordance with section 21(d) of the Legal Profession Act, 1983:

The applicant is hereby authorised to appear on behalf of:

.....

before:

.....
in Case No.:

.....
against:

.....
The applicant has selected Advocate:

.....
as his Sudanese advocate associate in this matter.

Issued in Khartoum on the day of month, ... year.

Advocates' Admission Committee

Signature:

SECOND SCHEDULE

FEES

Fees payable under sections 7(2) and 8

Type of Licence	Prescribed Fee
Licence to practise law before the courts	5 dinars
Annual renewal of any such licence	2 dinars

Fees payable under section 21(d)

Authorisation for a foreign advocate to appear in a particular case or matter under section 21(d):

2% of the value of the claim, action or matter, or such greater fee as may be determined by the Committee for a particular case.

Where no specific amount is claimed, or where the amount claimed does not, in the opinion of the Committee, represent the value of the case, the fee shall be determined by the Committee, provided that the fee payable in respect of any particular case or matter shall not exceed **15 dinars**.

NOTES ON AMENDMENTS AND LEGISLATIVE REFERENCES

The source text contains the following footnote references to amendments and earlier legislation:

1. Act No. 41 of 1974.
2. Act No. 25 of 1993; Act No. 41 of 1974.
3. Act No. 41 of 1974; Act No. 21 of 1993.
4. Act No. 41 of 1974.
5. Act No. 41 of 1974.
6. Act No. 41 of 1974.
7. Act No. 41 of 1974.
8. Act No. 41 of 1974.
9. Act No. 41 of 1974.
10. Act No. 21 of 1993; Act No. 41 of 1974.
11. Act No. 41 of 1974.
12. Act No. 21 of 1993.
13. Act No. 21 of 1993.
14. Act No. 41 of 1974.
15. Act No. 21 of 1993.
16. The same Act.
17. Act No. 41 of 1974.
18. Act No. 21 of 1993; Act No. 41 of 1974.
19. Act No. 41 of 1974.
20. Act No. 41 of 1974.
21. The same Act.
22. The same Act.

- 23. Act No. 21 of 1993.
- 24. Act No. 21 of 1993.
- 25. The same Act.
- 26. Act No. 21 of 1993.
- 27. Act No. 21 of 1993.
- 28. Act No. 41 of 1974.
- 29. Act No. 41 of 1974.
- 30. Act No. 41 of 1974.
- 31. Act No. 21 of 1993; Act No. 41 of 1974.
- 32. Act No. 21 of 1993.
- 33. Act No. 41 of 1974; Act No. 5 of 1991; Act No. 21 of 1993.
- 34. Act No. 21 of 1993.
- 35. Act No. 21 of 1993.
- 36. Act No. 55 of 1989; Act No. 41 of 1974.
- 37. Act No. 55 of 1989; Act No. 216 of 1993; Act No. 41 of 1974.
- 38. Act No. 21 of 1993.

EXPLANATORY NOTES TO FORM (B)

(1) The name of the applicant, the authorisation and the level of courts before which he is licensed to appear in his country, together with the country, city or territory in which he ordinarily practises and the licence issued to him therein, if the law requires the issuance of a licence.

(2) The name of the applicant's client.

(3) The court or authority before which the applicant is authorised to appear.

(4) The number of the case in which the applicant will appear, if the case has already been filed.

(5) The name of the opposing party against whom the applicant will appear.

(6) The name of the Sudanese advocate selected by the applicant pursuant to section 21(d).

