

P.N.D.C.L. 320
LEGAL SERVICE ACT, 1993

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P.N.D.C.L. 320
LEGAL SERVICE ACT, 1993(1)

AN ACT to provide for further matters in respect of the Legal Service, and for related matters,

The Legal Service

1. The Legal Service

(1) By virtue of article 190 of the Constitution, the Legal Service forms part of the Public Services.

(2) The Service comprises the lawyers in the Attorney-General's Department holding the posts specified in the First Schedule and any other administrative and supportive personnel that the President may direct.

(3) The lawyers referred to in subsection (2) are lawyers appointed to posts in Category "A", "B" or "C" specified in the First Schedule.

(4) Members of the Service shall be appointed by the President in accordance with article 195 of the Constitution.

2. Establishment of posts in the Service

The President may, on the advice of the Board, in addition to the categories of posts specified in the First Schedule, create any other posts.

3. Head of the Service

(1) The Solicitor-General is the administrative head of the Service.

(2) The Solicitor-General shall

- (a) in the absence of both the Attorney-General and Deputy Attorneys-General perform the functions of the Attorney-General;
- (b) subject to the directions given by the Attorney-General, supervise and co-ordinate the work of the divisions of the Attorney-General's Department and of members of the Service; and
- (c) perform any functions assigned by the Attorney-General.

4. Qualification for appointment into the Service

A person shall not be appointed to a post specified in column one of the Second Schedule unless the standing of that person as a legal practitioner is at least the years specified in column two of the Schedule in relation to that post.

5. Salaries and benefits of officers

(1) The salaries and benefits attached to posts in the Service shall be the same as those applicable to posts in the Judiciary and the Judicial Service requiring equivalent professional experience.

(2) Subject to sections 6 and 7, the conditions of service relative to the posts listed in column one of the Second Schedule shall be the same as those of the corresponding Justice of the Superior Court of Judicature and any other persons holding the judicial offices listed in column three of that Schedule.

6. Voluntary retirement

A member of the Service may retire from the Service at any time after attaining the age of forty-five years.

7. Compulsory retirement

A member of the Service may on attaining the age of sixty years continue in the Service unless the President otherwise determines and shall retire from the Service on attaining the age of sixty-five years.

The Legal Service Board

8. The Legal Service Board

- (1) The governing body of the Service is the Legal Service Board.
- (2) The Board consists of
 - (a) the Attorney-General, as the chairman,
 - (b) the Deputy Attorneys-General,
 - (c) the Solicitor-General,
 - (d) one Justice of the Superior Court of Judicature nominated by the Chief Justice,
 - (e) the chairman of the Public Services Commission or the representative of that chairman,
 - (f) one representative of the Ghana Bar Association, and
 - (g) two other persons appointed by the President.

9. Functions of the Board

- (1) The Board shall
 - (a) advise the President on the matters connected with the structure and conduct of the affairs of the Service and in particular, in relation to the recruitment, appointment, promotion, discipline, dismissal and any other conditions of service of officers in the Service, and
 - (b) perform any other functions directed by the President.
- (2) In filling a vacancy in a post in Category "A" in the Service, the President may act on the recommendations of the Board.
- (3) In accordance with clause (2) of article 195 of the Constitution, the President may delegate to the Board
 - (a) the power to make appointments in respect of posts in Categories B and C,
 - (b) the appointment of any other grades of administrative and supporting staff recommended by the Board.
- (4) The legal officers for employment in any of the Public Services shall before their employment be interviewed by the Board.

10. Tenure of office of members of Board and remuneration

(1) A member of the Board shall hold office for a period not exceeding three years and is eligible for re-nomination or re-appointment.

(2) A member of the Board may resign from office by notice in writing addressed to the President.

(3) Members of the Board may be paid the allowances determined by the Board in consultation with the Minister responsible for Finance.

11. Meetings of the Board

(1) The Board shall meet at least once every three months at the times and places determined by the chairman.

(2) The chairman shall preside at the meetings of the Board, and in the absence of the chairman, one of the Deputy Attorneys-General shall preside, and in the absence of both the Attorney-General and the Deputy Attorneys-General the members shall elect one of their number present to preside.

(3) The quorum of every meeting of the Board is five.

(4) The validity of proceedings of the Board shall not be affected by a vacancy in its membership or a defect in the appointment of a member.

(5) Subject to the provisions of this Act, the Board shall regulate its own procedure.

12. Co-opted members

The Board may co-opt a person to act as an adviser at its meeting but a person so co-opted is not entitled to vote at the meeting on a matter for decision by the Board.

13. Committees of the Board

The Board may for the performance of its functions appoint committees and may assign to the committee a function of the Board as determined by the Board.

14. Secretary to the Board

(1) There shall be a secretary to the Board who shall be nominated by the Attorney-General after consultation with the Public Services Commission.

(2) The secretary shall, subject to the directions of the Board,

(a) arrange the business for and record and keep the minutes of the meetings of the Board, and

(b) perform any other functions in relation to the functions of the Board as the Board may direct.

Administration

15. Administrative staff of the Service

Until provision is made by law in respect of administrative and secretarial staff for the Service, the Head of the Civil Service shall provide the Service with the services of the administrative and secretarial staff required by the Service subject to the terms and conditions determined by the Board in consultation with the Public Services Commission.

16. Expenses of the Service

The expenses of the Service including the salaries, operational costs and pensions are a charge on the Consolidated Fund.

17. Regulations

The Attorney-General may on the recommendations of the Board by legislative instrument make Regulations providing for

- (a) the procedure governing the performance by the Board of its functions;
- (b) filling of vacancies in the Service;
- (c) matters relating to misconduct of officers, disciplinary proceedings and penalties;
- (d) the method of leaving the Service;
- (e) the conditions and terms of service in respect of the administrative and supporting staff of the Service;
- (f) matters for giving full effect to the provisions of this Act.

18. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means the governing body of the Service,

“**Service**” means the Legal Service established by clause (1) of article 190 of the Constitution.

19. Repeals and revocations

Spent.3(2)

First Schedule
LEGAL SERVICE POSTS
[Section 1 (3)]

CATEGORY ‘A’

Solicitor-General.
Director of Public Prosecutions.
Director of Legislative Drafting.
Registrar-General who is a lawyer.
Chief State Attorney.

CATEGORY ‘B’

Principal State Attorney.
Senior State Attorney.

CATEGORY 'C'

State Attorney.

Assistant State Attorney.

Second Schedule

LEGAL SERVICE POSTS AND EQUIVALENT JUDICIAL SERVICE POSTS

[Sections 4 and 5]

<i>Legal Service Posts</i>	<i>Number of Years Standing as a Lawyer</i>	<i>Judiciary or Judicial Service Posts</i>	<i>Number of Years Standing as a Lawyer</i>
Solicitor-General, Director of Public Prosecutions, Director of Legislative Drafting, Registrar-General	12	Justice of the Court of Appeal	12
Chief State Attorney	10	Justice of the High Court	10
Principal State Attorney	5	Circuit Court Judge	5
Senior State Attorney			
State Attorney	3	District Magistrate Grade I	3
Assistant State Attorney	Nil	District Magistrate Grade II	Nil

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Legal Service Law, 1993 ([P.N.D.C.L. 320](#)), made on the 5th day of January, 1993 and notified in the *Gazette* on the 5th March, 1993.

2 (Popup - Footnote)

3. The section reads,

“(1) Section 40 of the Provisional National Defence Council (Establishment) Proclamation (Supplementary and Consequential Provisions) Law, 1982 (P.N.D.C.L. 42) is hereby repealed.

(2) The Legal Service Regulations, 1983 (L.I. 1288) and the Legal Service, (Amendment) Regulations, 1987 (L.I. 1342) are hereby revoked.”