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Act

No. 17 of 2024

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
19th May, 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of s. 22 of No. 31 of 2018
3. Amendment of s. 23 of the principal Act
4. Amendment of s. 29 of the principal Act
5. Insertion of new s. 29A into the principal Act
6. Amendment of s. 30 of the principal Act
7. Amendment of s. 96 of the principal Act

An Act to amend the Legal Education and Legal Practitioners Act

ENACTED by the Parliament of Malawi as follows—

1. This Act may be cited as the Legal Education and Legal Practitioners (Amendment) Act, 2024. Short title

2. The Legal Education and Legal Practitioners Act (hereinafter referred to as the "principal Act") is amended, in section 22 (5), by deleting the words "Chief Justice" and substituting therefor the word "Registrar". Amendment of s. 22 of No. 31 of 2018

3. Section 23 of the principal Act is amended— Amendment of s. 23 of the principal Act

(*a*) in subsection (1), by deleting paragraph (*b*) and substituting therefor a new paragraph (*b*) as follows—

"(*b*) subject to subsection (3), holds a foreign law qualification as defined in subsection (4); or";

(*b*) by renumbering subsections (2), (3), (4), (5), (6) and (7) as subsections (3), (4), (5), (6), (7) and (8), respectively;

(*c*) by inserting a new subsection (2) as follows—

"(2) A person who—

(*a*) holds a degree in law awarded by an institution accredited to offer legal education in accordance with this Act; and

(*b*) to qualify for award of the degree, passed courses assessed by the Council as comparable in scope to those offered by the Institute,

shall be exempt from the requirements to enrol with the Institute and pass the Malawi Law Examinations.";

(*d*) in subsection (5)(*d*), by deleting the words "(2)(*b*)(ii)" and substituting therefor the words "(3)(*b*)(ii)"; and

(*e*) in subsection (7), by deleting the words "requirement First Schedule under the section," and substituting therefor the words "requirements under subsection (1),".

Amendment of s. 29 of the principal Act

4. Section 29 of the principal Act is amended by deleting subsection (3).

Insertion of new s. 29A into the principal Act

5. The principal Act is amended by inserting, immediately after section 29, a new section 29A as follows—

"Conditional admission to practise

29A.— (1) Where an application for admission to practise as a legal practitioner is made under section 23, the Chief Justice may admit such person to practise with conditions.

(2) A legal practitioner admitted to practise with conditions, shall practise as an employee, under the guidance, supervision and control of a—

(*a*) prescribed legal practitioner;

(*b*) firm of legal practitioners of which at least one partner is a prescribed legal practitioner; or

(*c*) legal department of a Government ministry, local authority or a body established under any written law, headed by a prescribed legal practitioner.

(3) A prescribed legal practitioner shall not, at any time, exercise guidance, supervision and control over more than two legal practitioners whose admission is conditional.

(4) The Chief Justice may, on the recommendation of the Society, make rules prescribing the manner of the conduct of guidance, supervision and control prescribed under subsection (2).

(5) A legal practitioner whose admission to practise is conditional may, by motion supported by an affidavit, apply to the Chief Justice for removal of the conditions attaching to the admission of the legal practitioner, under subsection (1).

(6) The Chief Justice may, upon being satisfied that the applicant has—

(*a*) since the date of the admission, been actively employed for a continuous period of not less than two years in compliance with subsection (2); and

(*b*) complied with the rules prescribed under subsection (4),

order the removal of the conditions and thereupon the admission shall cease to be conditional.

(7) For purposes of this section, "prescribed legal practitioner" means a legal practitioner of at least five years standing at the bar.".

Amendment of s.30 of the principal Act

6. Section 30 of the principal Act is amended by—

(*a*) deleting subsection (3);

(*b*) renumbering subsections (4), (5), (6), (7), and (8) as subsections (3), (4), (5), (6) and (7), respectively; and

(*c*) inserting in subsection (7), the words "(*c*)," immediately after the words "(*b*),".

Amendment of s.96 of the principal Act

7. Section 96 of the principal Act is amended, in subsection (1), by deleting paragraph (*a*) and substituting therefor a new paragraph (*a*) as follows—

"(*a*) recommend to the Attorney General to make an application under section 89, to strike the legal practitioner off the Roll;".

Passed in Parliament this fifth day of April, two thousand and twenty - four.

FIONA KALEMBA
Clerk of Parliament