

In the Name of Allah, the Gracious, the Merciful
The Sudan's Advocacy Act, 1983 (with 2014 amendments)
Chapter I Preliminary Provisions Title

1. This Act may be cited as the," Advocacy Act (amendment 2014)" and comes into force from the date of the signature. (signed in 24.02.2014)

2. Repealed.

Interpretation

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

"**Bar**" means the Sudanese Bar Association;

"**Committee**", means the Advocates Admission Committee, established under the provisions of section 4;

"**Courts**", mean the courts established under the Judiciary Act, 1986, and include the courts established under special laws, courts martial, boards of accountability, arbitration tribunals, judicial committees, and any other body having judicial, or quasi-judicial competence;

"**Judge**", means all the judges, with the exception of a member of a bench of magistrates, who is not a lawyer, or a member of any court lower than a bench of magistrates, and includes the Chief Registrar of Courts and any person occupying a legal post;

"**Legal officer**", includes the Under-Secretary and legal counsels, at the Ministry of Justice;

"**Legal official**", means any official, who occupies a legal post, in any other bodies otherwise than the Ministry of Justice, whether government, or non-government, with respect to which a decision is passed by the Committee;

"**Complaints Committee**" means the advocates complaints Committee constituted under the provision of article (54(1)) ¹

"**The Council**" means the Bar Council elected within the General Assembly of the Bar and under the provision of the Basic Rules ²

"**License**", means the license for practicing advocacy, issued by the Advocates Admission Committee, and valid, in accordance with the provision of this Act, and not, by a decision passed there for, suspended, or revoked;

"**Practicing advocacy**", includes practicing advocacy before all courts; "**President**", means the President of Bar;

"**Trainer advocate**", means the advocate who has practiced advocacy, for a period not less than ten years, at the office of whom a trainee advocate spends the training period.

¹ The wording in the original text "لجنة شكاوى المحامين: يقصد بها لجنة شكاوى المحامين المشكلة بموجب أحكام المادة (54(1))"

² The wording in the original text "يقصد بها مجلس النقابة المنتخب من بين أعضاء الجمعية العمومية للنقابة بموجب أحكام النظام الأساسي"

Chapter II

Advocates Admission Committee

Establishment and constitution of the Committee

4. (1) For the achievement of the objects of this Act, there shall be established a committee, to be known as the, "Advocates Admission Committee", to have competence to grant licenses, for practicing advocacy, and discharge the duties and exercise the powers conferred thereupon, under the provisions of this Act.

(2) The Committee shall be constituted as follows :-

(a) President -of the Advocates Chairman

(b) A Supreme Court judge, to be appointed by the Chief Justice

(c) An Appeal Court judge, to be appointed by the Chief Justice embers

(d) A General Legal Counsel, to be appointed by the Minister of Justice

(e) Three advocates, to be appointed by the Council, one of them from the Council members and the other two from the General Assembly

(3) The Committee shall have a secretary, to be selected by the Chairman thereof, to assume, under his supervision, all the administrative and clerical business, including writing the minutes of sittings, and executing the decisions passed by the Committee.

(4) The seat of the Committee shall be at the headquarter building of the Judiciary, and may, by the decision of the Chairman thereof, convene at any other place.

(5) The Committee shall make internal regulations, for organizing the procedure of business thereof.

Chapter III

Conditions for Practicing Advocacy Licensing and enrollment on the Advocates Register

5. There shall be required, of whoever practices advocacy, that he shall have obtained a license, issued by the Committee, and signed before his name enrolled onto the Advocates Register, provided for in section 11.

Conditions of license

6. (I) No license, for practicing advocacy, shall be granted, save to the person, who satisfies the following conditions that he shall: -

(a) be Sudanese;

(b) be of twenty years of age, at least, upon presenting the application;

(c) be of good conduct and reputation, and not have been convicted, for an offence inconsistent with honor, or honesty, unless he has been granted comprehensive pardon;

(d) have obtained a degree in law, from a recognized university, and has passed the examination prescribed by any law in force, for the organization of the legal profession, unless it has been decided to exempt him from examination, in accordance with such law;

(e) have completed the training period, as set forth in section 15, unless he has been exempted, under section 16.

(f) have completed the national service unless have been released or exempt thereof, by the law³.

(g) have not been expelled or ended from a job, he was occupying, for a reason pertained to honour, or honesty⁴.

(2) Notwithstanding the provisions of paragraph (a), of sub-section (1), the Council may grant the alien advocate an advocacy license according to reciprocity principle between Sudan and the State related, and he shall not have the right to participate in the General Assembly or the Social Security Fund.⁵

Applications for licensing and interview of applicants

7. (1) The Advocates Admission Committee shall hold a periodical meeting, every month, to examine licensing applications, interview applicants and ascertain that they are qualified for the advocacy profession, in accordance with the provisions of this Act, and they may advance the date of the meetings thereof, where necessity requires the same.

(2) In case of ascertainment, by the Committee, of satisfaction of the conditions provided for in section 6(4), they shall require the applicant for licensing to pay the fee prescribed in Schedule II, hereto, and after payment of the fee, they shall issue the license, in accordance with form (A) of Schedule I, hereto.

(3) Where the applicant does not satisfy the conditions, the Committee shall reject the application by a decision, wherein they set, forth the grounds of rejection, and the applicant shall be notified of such decision, by a registered letter, and also he shall, where possible, be verbally notified on the same day. A person, whose application has been rejected by the Committee, may request the Committee, within two weeks of his notification of the rejection decision, to review the decision, and the decision passed on the review application, shall be final.

(4) Subject to the provisions of the Judiciary Act, 1986, where the licensing application has been presented by a judge who is removed from the Judiciary, or a legal officer, dismissed from service, for any of the reasons, the Committee may adjourn considering such application, for a maximum period of three years, commencing as from the date of removal, or dismissal from service, and in this case, the Committee shall issue a grounded decision, wherein they shall specify the period of adjournment and the applicant shall be notified of the decision by a registered letter. He may, after lapse of such period, present a new application, for determination, and shall also be entitled to apply for review of his decision once only, within two weeks of his receipt of the rejection decision, or the same being sent thereto, and the decision of the Committee, which is issued on the review, shall be final.

(5) The Committee may request from the employer of the applicant, a copy of the service file to consider the reason of expulsion or removal, before rendering a decision on the licensing request⁶.

³ The wording in the original text "أن يكون قد أدى الخدمة الوطنية مالم يكن قد أعفي منها أو أستثنى بموجب القانون"

⁴ The wording in the original text "الا يكون قد تم فصله أو إنتهت خدمته من وظيفة كان يشغلها لاسباب تمس الشرف أو الامانة"

⁵ The wording in the original text "بالرغم من أحكام الفقرة (أ) من البند (1) يجوز للجنة أن تمنح المحامي الاجنبي رخصة إشتغال بالمحاماة في السودان وفقا لمبدأ المعاملة بالمثل بين السودان والدولة التي ينتمي إليها ، على ألا يكون له الحق في الاشتراك في أعمال الجمعية العمومية أو صندوق الضمان الاجتماعي"

⁶ The wording in the original text "يجوز للجنة أن تطلب من الجهة التي كان يعمل بها مقدم الطلب ، صورة من ملف خدمته للنظر في أسباب فصله أو عزله قبل البت في طلب الترخيص"

Term of license

8. (1) The term of the license shall be one year, which terminates by the end of the thirty first of December of the year in which it has been issued, and shall be renewable annually, after payment of the fees prescribed therefore in the Schedule, hereto.

(2) The Council may extend the term expiry date of the license to any prescribed date⁷.

Enrollment on the Advocates Register, signature thereof and oath

9. (1) Upon granting the license, the Secretary of the Committee shall enroll the name of holder of the license on the Advocated Register, as set forth in section 11. The license holder shall sign before his name, on such Register, then he shall take, before the Committee, an oath as to the following form "I swear by Almighty Allah, to perform my business honestly and honorably, preserve the work of truth and justice, and the secret of the advocacy profession, and commit to the provisions of laws thereof, and the code of advocacy profession's ethics "⁸, (2) No holder of a license shall practice advocacy, save after signing his name, on the Advocates Register, and taking the oath, before the Committee,

Loss of one of the conditions under which the license is granted

10. The Committee, of their own motion, or upon a conijlaint presented thereto, shall:-

(a) revoke the license of an advocate, and order his name to be struck off the Advocates Register, where the advocate loses the condition of Sudanese nationality, or where he has been punished with imprisonment, for an offence involving honor, or honesty, as set out in section 6(1)(a) or (d);

(b) order the suspension of the license of an advocate, and enter a note of the same, before his name enrolled on the Advocates Register, where the advocate loses the condition of capacity provided for in section 6(1)(b). In both cases, the decision of the Committee shall be notified, to the advocate, by a registered letter. He may apply, to the Committee, within the thirty days subsequent to his being notified of the decision, to review the same, and the decision issued, on the review application, shall be final,

Chapter IV Advocates Register before the Courts The Advocates Register

11 (1) The two Advocates Registers established, before the coming into force of this Act, after amalgamation thereof, shall continue to be in force, and there shall be enrolled, on the unified Register, consecutively, the name of every one, who is granted a license to practice advocacy, before the courts, in accordance with the provisions of this Act, and such Register shall be deemed, in respect of the advocates enrolled thereon, a general Register of Advocates, before the courts, in accordance with the particulars set out there on, and such particulars, as may be added thereto, after the coming into force of this Act.

(2) The Register mentioned in sub-section (1) shall include the names and addresses of all the advocates, before the various courts.

(3) The names of advocates shall be arranged, on the said Register, in accordance with the date of their signature thereon, and there shall be set forth thereon, the places of residence, and the date of issue of licenses thereof, what may occur thereon of revocation, or suspension or any restrictions upon appearance before any court, every six months.

Advocates Register deposited

⁷ The wording in the original text "يجوز للمجلس تمديد مدة الرخصة الى أي أجل يجدهه"

⁸ The wording in the original text " والالتزام بأحكام قوانينها وميثاق أخلاق مهنة المحاماة "

12. (1) The Register, referred to in section 11, shall be deposited, with the Chairman of the Committee, and the Committee shall prepare a periodical list, from which there shall be omitted all the advocates, before the names or licenses of whom, on the Register, there is set forth that they are revoked, or suspended, and a copy, or copies, of such list shall be sent to the courts and the Under-Secretary, Ministry of Justice. (2) The Register shall be revised, in every periodical meeting of the Council, to ascertain the soundness of the contents thereof.

Chapter V

Trainin2 on Advocacy Application for training on advocacy

13. (1) Any Sudanese, who obtains the scientific qualification, provided for in section 6(1) (e), may apply, to the Council, for his being enrolled, as a trainee advocate.

(2) There shall be attached, with the application, evidence that the applicant is Sudanese and holds the qualification required, in accordance with sub-section (1), together with the approval of the trainer advocate of accepting the applicant, for training in his office, under his control, supervision and direct responsibility.

(3) The Chairman of the Committee shall issue a decision accepting, or rejecting the application, and the decision shall be notified, to the applicant, and the trainer advocate. (4) In case of accepting the application, the name of the applicant shall be enrolled on the Trainee Advocates Register, and he shall sign, before his name, on such Register, and the training period shall commence, as of the date of signature. A person whose application has been rejected, by the Chairman of the Committee, may appeal against the rejection decision, before the Committee, within the thirty days subsequent to his being notified of the decision. The decision issued, by the Committee, in such appeal, shall be final.

Trainee Advocates Register

14. (1) Trainee advocates shall have a Register, to be deposited, with the Chairman of the Committee, whereon shall be enrolled the names of whoever the Chairman of the Committee may accept the applications thereof, arranged in accordance with the dates of acceptance thereof, and there shall be mentioned, before each name, the place of residence of the applicant, the date of commencement of training, the name of the trainer advocate, and such change, as may occur, in such particulars, during the training period.

(2) The Chairman of the Committee shall notify the courts, and the bodies concerned, of the enrollment of the trainee advocate, on the Trainee Advocates Register,

Training period

15. (1) The training period shall be one continuous year, together with full time attendance, to be spent by the trainee advocate, at the trainer advocate's office.

(2) The Chairman of the Committee, after consultation with the President, may decide to extend the training period for another period, or periods, the maximum of each, is one year; provided that the total thereof shall not exceed three years, and the decision shall set forth the grounds of extension. Where there has elapsed, in respect of a trainee advocate, a period of four years, as of the date of his enrollment, on the Trainee Advocates Register, without his application for licensing

to practice advocacy, his name shall be struck off such Register, and he shall not be re-enrolled, save after the expiry of one year, of the date of striking off.

(3) There shall be calculated, as part of the training period, such period, as has been spent by the applicant for license in the post of judge, legal officer, judge advocate, at the Military Judicial Branch, legal official or member of the academic staff of law, in any university, in the Republic of the Sudan.

(4) A trainee advocate may apply, to the Chairman of the Committee, to approve the Completion of the training period thereof, at the office of another trainer advocate; provided that he shall set forth, in his application, the grounds requiring the same, and shall attach, with the application, the approval, by the new trainer advocate, of accepting him, for training, at his office, under his supervision and responsibility, and a certificate, from the former trainer advocate, setting forth thereon, the extent of his perseverance, the manner of his practice of his work, and the conduct thereof, during the period spent thereby, at his office.

Exemption from training

16. The Committee may exempt, from the condition of training, whoever previously has practiced advocacy, in a country other than the Sudan, and passed the examination prescribed, under the law in force, for the organization of the legal profession, or has been exempted there from.

Whatever is prohibited for trainee advocates

17. (1) No trainee advocate shall open an office, in his own private name, although the training period.

(2) There shall be prohibited, for a trainee advocates, to appear before any court, save in accompaniment of the trainer advocate.

Duties of a trainee advocate

18. (1) A trainee advocate shall persevere, as to work and appearance, before the courts. A trainee advocate shall, as well, inform the Chairman of the Committee, of every absence, from work, or non-perseverance, as to attendance, on the part of the trainee advocate.

(2) Where the trainee advocate contravenes, his duty provided for in sub-section (1), the Chairman of the Committee shall extend the training period, in accordance with the provisions of sub-section (2) of section 15.

Trainee advocates committee

19. The Council shall form a standing committee, to consider the circumstances of trainee advocates, and help in the assimilation and ascertain the soundness of training thereof, and specify the dates of convention and functions thereof.

Remuneration of trainee advocates

20. The trainer advocate pays the trainee advocate a monthly remuneration throughout the training period⁹.

Chapter VI

⁹ The wording in the original text "يدفع الخامي الاستاذ الخامي تحت التمرين مكافأة شهرية طيلة فترة التمرين"

Appearance before Courts and Combination between Advocacy and otherwise of Businesses and Posts Appearance by non-advocates before the courts

21. Notwithstanding the provisions of section 5, there shall be admitted appearance and pleading, before the courts, by:-

(a) legal officers, upon appearance thereby, on behalf of the various State organs, whether legislative, executive or administrative, and the same includes ministries, departments, government and non-government corporations and institutions

(b) legal officials and otherwise of authorized officials by any public, or private corporate person, where the court permits them, to appear in a certain suit, or matter, after presenting a power of attorney authenticated by those who have deputed them, issued by an official body

(c) alien advocates, permitted by the Committee, in pursuance of form (b), set forth in Schedule I hereto, to appear before the courts in a certain suit, or matter, after payment of the fee prescribed in Schedule U hereto; provided that the Committee shall give due regard, upon granting the permission, to the condition of reciprocity, and that there shall participate, with him one of the licensed advocates, and that he shall abide by the provisions of this Act and the regulations made there under. In case of contravention, by the alien advocate, of the foregoing, the Committee shall revoke the permission.

Deputation between advocates

22. An advocate, whether an original party, or an agent, in a certain suit, or matter, may depute, on his behalf, another advocate, at his full responsibility, unless he is expressly prevented from the same.

Deputation in case of death and otherwise

23.(1) In case of death of an advocate, the suspension, or revocation of the license thereof, and striking his name off the Advocates Register, or the impossibility of performance, thereby, of agency for any of the reasons, the Council shall depute an advocate to replace him temporarily, in taking such measures, as may guarantee preservation of the interests of the client, pending his selection of another advocate. The period of deputation shall not exceed one month.

(2) The decision of the Council shall take the place of such authorization, as may be made by the person concerned.

Advocates prevented from appearance in certain suits

24. (1) There shall be prohibited, for an advocate, of the members of the legislature, any of the local government councils, boards of directors of government and semi-government corporations, or any other government councils, or committees, to appear on behalf of third parties, against the corporation, council or committee, in which he participates, in the membership thereof. He shall, as well, be prohibited from appearance, on behalf of third parties, after leaving membership in any suit, or matter submitted before him, or he delivered the opinion thereof, during his membership,

(2) There shall be prohibited, for whoever practices advocacy, after leaving work in the post of judge, legal officer or legal official, to appear, by himself, or through an advocate, who works for the account thereof, in a suit, or matter, on which he has delivered an opinion, before practicing advocacy.

Combination between advocacy and certain

Businesses and posts prohibited

25 (l) No combination shall be made, between advocacy and the following:-

(a) the Speaker of the Legislature

(b) the Prime Minister and membership of the Council of Ministers

(c) employment with individuals, or any government, or non-government body, including employment with societies, companies, corporations and institutions generally, and there shall be excepted from the same the chairman or member of a board of directors, in the said bodies, and also the advocate or legal advisor thereof, where he has no other work therein, for which he receives wages and there shall also be excepted members of the academic staff of law, in any university in the Republic of the Sudan

(d) practicing trade

(e) practicing any such work, as may be inconsistent with the profession and traditions thereof.

(2) The Committee, of its own motion, or upon complaint presented thereto, shall order the suspension of an advocate's license , where it is proved, to it, that he has joined a post, or work, in contravention of sub-section (1). The decision of the Committee shall be notified, to the advocate, by a registered letter, and he may apply, to the Committee, to review the same, within the thirty days subsequent to his being notified of the decision. The decision issued, on the review application, shall be final.

Chapter VII

Duties of Advocates and Legal Aid

Branch I Advocated Offices Office and address of an advocate

26. (1) An advocate shall have an office, wherein he practices advocacy business, and he shall notify, the Committee, of the address of his office, and of any change in such address, in order to enter a note thereof, before his name enrolled onto the Advocates Register, or else his being notified, with respect to application of the provisions of this Act, shall be proper, in the place of his residence, set out onto the Advocates Register.

(2) No advocate shall advertise about himself, in newspapers, or in any other way, however he may place, outside his office, a sign, or a small plate, setting out his name, profession and legal qualifications. He may, where he changes his address, place a sign, or plate setting forth the address of his new office.

(3) The advocate may practice the profession individually or with partner or more or by legally registered partnership¹⁰

The Advocacy Tax

26. (a-1) With respect to the provision of the Income Tax Law 1986, the advocate's tax obtains by stamps to be placed on all pleadings, complaints, authentication, written legal consultancy in

¹⁰ The wording in the original text "يجوز للمحامي ممارسة المهنة منفردا أو مع شريك أو أكثر أو عن طريق شركات مسجلة قانونا"

Sudan and all bylaws prepared by the advocate for companies, partnerships, and international and local contracts.¹¹

(a-2) the stamps categories stated in article (a-1) will be prescribed by the agreement with the Bar and the Taxation Chamber¹².

Renewal of license and the Bar's subscriptions

27. (1) An advocate shall renew his license annually, at a maximum date of the end of January every year, or else his license shall be deemed suspended, until renewal.

(2) An advocate shall pay the annual subscription of the Bar, at a maximum date of the end of March

every year, unless he has been exempted there from, by a decision of the Bar Council, in pursuance of the provisions of the internal regulations of the Bar, and the Council shall notify the Committee, at a date not exceeding the middle of May every year, of the names of the advocates who have not paid the subscriptions thereof, and the Committee shall suspend the license, in this case, until the subscriptions are paid.

(3) Where three years elapse, after the suspension decision, without the advocate paying the arrears of the subscriptions due there from, within thirty days, of the date of his being notified of payment, the Council shall submit his matter, to the Committee. In this case, his license shall be revoked, and his name shall be struck off the Register. He shall not be licensed anew, save after payment of the subscriptions in arrears, from him and payment of the fees of the new license

Advocates robe

28. Advocates shall not appear, before the Supreme Court, or courts of appeal save by the robe pertaining thereto, They shall not appear, before any other court, in such attire, as may not be appropriate to the profession, or such appearance, as may not be honorable of an advocate.

Duty of an advocate towards his client

29. An advocate shall exert the maximum of his effort, for the benefit of his client, and he shall be responsible, for the performance of whatever may be entrusted to him, in pursuance of the terms of authorization, and for his exceeding the limits of authorization, and his serious negligence.

Refraining from abuse of parties

30. An advocate shall refrain from hurting, or abusing parties, or such personal matters, as may impugn , or accuse them with whatever may affect honor, or reputation, unless the same is required by the nature of the suit, or the necessity of defending the interests of the client.

Refraining from assisting antagonist

31. No advocate shall generally represent conflicting interests. He shall not, in particular, present any help, even though as advice, for the antagonist of his client, in the same suit, or matter, in which he has previously been authorize& or any dispute connected therewith, even though after termination of his agency. This prohibition shall apply to whoever works with the advocate, in his office, of advocates, in any capacity whatever.

¹¹ The wording in the original text "مع مراعاة أحكام قانون ضريبة الدخل لسنة 1986 تحصل ضريبة الخامي بموجب دمغات توضع على كل المدكرات التي تقدم للمحاكم والشكاوي والتوثيقات والاستشارات القانونية المكتوبة للعمل داخل السودان واللوائح التي يعدها الخامي للشركات والشراكات والعقود الدولية و المحلية"

¹² The wording in the original text "تحدد فئات الدمغات المذكورة في البند (1) حسبما يتم الاتفاق عليه بين النقابة وديوان الضرائب"

Profession secrets

32.(1) No advocate shall disclose the secrets he knows, from his client, or such facts, and information, as may have come to him, through his profession, even though after termination of his agency, or the removal of his capacity, unless mentioning the same, to him, has been made with intent to commit an offence.

(2) No advocate shall be forced to adduce testimony, in a dispute, in which he has been authorized, or consulted, unless the client permits him, in writing, as to the same.

Purchase of disputed rights prohibited

33. No advocate shall purchase, in his own name, or a pseudonym, the right in dispute, totally or partially, or else the sale shall be void.

Costs prohibited to agree upon

34. No advocate shall agree to take part of the rights in dispute, in consideration of his costs, or for such consideration, as may be proportionate to the amount, or value of whatever may be adjudged in the suit. He shall not conclude an agreement on costs of such nature, as may create an interest, for him, in the suit, or the work which is the subject of agency.

Employment of whoever his license has been suspended or revoked prohibited

35. No advocate shall employ, or participate, in any way, with respect to advocacy business, any person whose license has been suspended, or revoked, during the period of suspension, or revocation,

Stepping aside of agency

36. Subject to the provisions of section 4(1), no advocate shall step aside of his agency, unless he notifies his client, by a registered letter, wherever the same is practical. He shall continue to conduct the procedure of the suit, for a reasonable period, of the date of such notification, until his client authorizes another advocate.

Whatever may be restituted upon termination of agency

37. (1) An advocate shall, upon termination, or revocation of his agency, for any of the reasons, retribute, to his client, upon request thereby, all the papers, books, documents, funds and otherwise of whatever may be in his possession, for the account of his client, without prejudice to such right of lien, as the law may confer thereupon, as a guaranty of payment of such costs, fees or other expenses, as may be due to him, and not paid by the client.

(2) An advocate shall not be bound to deliver, to his client, the drafts of the papers which he has written, in the suit, and neither the correspondence he has received from the client, nor the documents relating to whatever he may have paid, on behalf thereof and not paid to him. Nevertheless, an advocate shall give his client copies of such papers, at his expense, where the client requires the same.

(3) The right of a client to claim, from his advocate, the papers documents and funds present therewith, by reason of agency, shall lapse by lapse of three years, of the date of termination of the work, in which he is authorized, or the lapse, or revocation of authorization, as the case may be.

Retirement from, and returning to, advocacy

38. (1) An advocate, who desires to retire from advocacy, for any of the reasons, shall inform the Committee, of such desire, and in this case, his license shall be deemed suspended, until he returns to practice advocacy, upon an application there from, to be approved by the Committee.

(2) No person, who retires, from advocacy and the license of whom has been deemed suspended, in pursuance of sub-section (1), shall practice any of the advocacy business. Notwithstanding the same, he may continue to claim any costs, fees or expenses, to which he is entitled, for the business, or services he has rendered, before his retirement, from advocacy.

Branch11.

Legal Aid

Cases of rendering Legal aid

39. The Committee shall decide, to grant Legal aid, including legal advice and appearance before courts, in the following cases:-

(a) one of the parties of a civil suit applying, to the Committee, for legal aid, and proof, to the Committee, that he is insolvent and unable to pay the costs of advocacy, and the presence of reasonable grounds for the suit

(b) Where the Under-Secretary of the Ministry of Justice, or one of the criminal courts requesting the Committee to appoint an advocate to defend an accused

(c) Any such other case, as the regulations, made under the provisions of this Act, may provide.

Advocate's duty to render Legal aid

40, (1) The advocate deputed, by the legal aid rendering committee, shall render such aid forthwith his being notified of the decision of deputation, and shall not refrain from rendering the aid, or step aside from whatever he may have been deputed to, save for such reasons, as may be accepted by the Committee.

(2) The deputed advocate shall render legal aid, under section 39(b), in consideration of such costs, as may be assessed by the criminal court, in the judgment which it passes, and no contest, of such assessment, shall be made, in any way, and such costs shall be paid, to the advocate, by deduction against the budget of the Ministry of Justice, or in other cases the deputed advocate shall render legal aid free of charge. Nevertheless, he may be paid, from the Bar, such necessary costs, as he may spent towards performing his duty, by deduction against the social security fund.

(3) When a judgement, for the interest of the aided person is passed, the advocate's costs adjudged, by the court, shall vest into the Social Security Fund, and the court shall include the same, in the judgment thereof.

(4) Deputation of advocates shall be made as may be prescribed by the regulations made by the Committee. Pending making of such regulations deputation shall be made, as to such manner, as the Committee may deem appropriate.

Subscription of legal aid applicant

41. The Committee may grant legal aid, to the applicant there for, free of charge, or may require him to subscribe by a certain amount, in accordance with the condition of his insolvency, which shall vest into the Advocates Social Security Fund.

Chapter VII

Advocates Rights

Costs due to advocates

42. (1) Without prejudice to the provisions of section 34, an advocate shall be entitled to advocates costs, for his performance of such business, as may have been assigned thereto. He may also be reimbursed such, as he may have spent, to the benefit of his client.

(2) (a) There shall not be binding, upon the two parties, every agreement concluded between an advocate and his client, unless such agreement is :-

(a) Written and shown therein the date of such agreement;

(b) Signed by both parties;

(c) Shown therein, all the services, or business required, to be performed by the advocate;

(d) Shown therein, the total amount required to be paid , by the client, to the advocate, for such services;

(b) The advocate shall be entitled to be paid the amount required, from his client, forthwith signature of the agreement, unless expressly provided otherwise, by the agreement;

(c) the amount required, to be paid to the advocate, shall be inclusive of all the services rendered, and also the expenses, fees and costs which are payable for the conduct and completion of the work, for which the agreement has been concluded, unless such services, fees or expenses, if any, have been excepted expressly from the agreement;

(d) (i) the Committee, upon a complaint from those who appointed the advocate, may amend any agreement concluded by the advocate, with his client, concerning such costs, as may be payable thereto, where the Committee are convinced, that such costs are costly, exaggerated, or not compatible with the size, type and nature of such legal services under such agreement.¹³

(ii) Where the advocate receives all, or part of the costs agreed upon, in writing, under this sub-section, or verbally, under sub-section (3), the Committee may, upon complaint, to be presented by the client, within twelve months, of the date of the last amount which has been paid, to the advocate, to issue on order thereto, to restitute, all or part of the costs he received, where such costs are costly, exaggerated, or not compatible with the size, type and nature of such legal services he performed, or may perform, under the such agreement¹⁴.

(iii) the order of restitution of costs, issued by the Committee, shall be deemed as a judgment of fine against the advocate, and be executed in pursuance of the provisions of the Criminal Procedure Act, 1991, and the Committee shall have the power of the issue of execution orders, under this Act;

¹³ **The wording in the original text** "يجوز للجنة بناء على شكوى تقدم من وكل المحامي أن تعدل أي إتفاق أبرمه مع موكله بشأن الاتعاب التي تدفع له إذا رأت أن تلك الاتعاب كانت باهظة أو لا تتناسب مع حجم ونوع وطبيعة الخدمات القانونية موضوع الاتفاق"،

¹⁴ **The wording in the original text** "إذا تسلم المحامي كل أو بعض الاتعاب المتفق عليها كتابة بموجب هذا البند أو شفاهة بموجب البند(3) يجوز للجنة بناء على شكوى تقدم من الموكل خلال إثني عشر شهرا من تاريخ آخر مبلغ تم دفعه للمحامي، أن تصدر أمرا له بأن يرد كل أو بعض الاتعاب التي تقاضاها إن كانت تلك الاتعاب قد دفعت نظير عمل لم يقم به المحامي أو كانت باهظة أو لا تتناسب مع حجم ونوع وطبيعة الخدمات القانونية التي أداها أو التي سيؤديها لموكله بموجب ذلك الاتفاق".

(e) receipt of costs which are costly, exaggerated or non-compatible with the size, type or nature of the legal services, shall be deemed such work, as may be in contravention of the honor of the profession, or conduct, as may degrade the estimation thereof, and the Committee may, upon consultation of the Committee, order the advocate to be referred to a board of accountability.

(3) In case of non-existence of a written agreement, between the advocate and his client, the advocate shall be entitled, against his client, after completion of the required work, to such fair and reasonable costs, as may not be less than the costs of a similar work, and the advocate shall present, to his client, a detailed list of costs, wherever he requests the same there from. (4) Where there has branched, from the agreed work, such other business, as may not have been foreseeable, at the time of the agreement, the advocate may claim costs there for, after performance of the same,

(5) Where an advocate completes the suit, by reconciliation or arbitration, or for any other ground, as he has been authorized by his client, he shall be entitled to his full costs, unless agreed otherwise, in writing.

(6) Where the advocate steps aside of the agency, for a lawful cause, and notifies his client of the same, in an appropriate time, or the advocate dies, before completing the work he has been authorized to do, or the client dies and his successors are not of opinion, that the advocate is to continue the work, the advocate, or his successors, shall be entitled, against the client, or the successors thereof, as the case may be, to the costs of a similar work, for such effort, as has actually been exerted, subject to such, as may be provided for by the contract concluded between the two parties, and the provisions of this Act.

Costs claimed

43. (1) No advocate shall institute a suit, for claiming the costs due to him, from his client, and the advocate shall submit every dispute, relating to costs, by an application presented, to the court which considered the suit, in the deliberation chambers, for determination of the same.

(2) The application shall be presented, to the court, where the costs are due, for a suit, or matter in the court, or any work connected therewith. The application, on any other matter, shall be presented to the judge of the General Court, in the deliberation chambers.

(3) The person, from whom the costs are claimed, shall be notified with a copy of the application, and the sitting which is fixed for considering the same, by a registered letter, to appear before the judge, or to present his defense, in writing, in the period which is fixed by the judge. The order issued by the judge concerning the costs shall have the force of judgment.

(4) Notwithstanding the provisions of sub-sections (1), (2) and (3), where the costs agreement is not written, the advocate shall pay such fees, as may be prescribed for suits, before the issue of any order of costs.

Costs being a preferred debt

44. An advocate's costs have a first degree priority right, over such property, as may have vested, into the client, as a result of the suit, or work the subject of agency, and such priority shall not affect the rights registered before conducting the suit, or work, and shall also not affect such priority, as may legally be prescribed, for the amounts due to the Government, of taxes and other fees,

Limitation of the right to claim costs

45. The right of an advocate to claim costs, from his client, shall lapse, after ten years, of the date of end of the work, subject of the agency.

Immunity of an advocate with respect to whatever he does in a sitting

46. (1) Notwithstanding the provisions of any other law in force, where there occurs, from an advocate, during his appearance before the court, to discharge his duty, or by reason thereof, contravention of order, or any such matter, as may require his being responsible disciplinarily, or criminally, the court shall forthwith adjourn the sitting, and the president of the sitting shall write a record of what has happened, and refer the same to the Chairman of the Committee.

(2) Where the Chairman of the Committee deems that there is what requires investigation, he shall refer the matter to the Complaints Committee who shall conduct the investigations, within three days, of the date of receipt thereby, of the record referred to in sub-section (1), then the board shall submit the result of their investigation to the Chairman of the Committee.

(3) The Chairman of the Committee may, after perusal of the investigation, order taking criminal proceedings, where what has occurred from the advocate is an offence punishable, under the Criminal Act, or any other law, or commit the advocate, to the board of accountability provided for in section 53, where what has occurred there from, is a mere breach of duty and order, or else he shall order filing the papers.

(4) The president of the sitting, or one of the members thereof, wherein the incident has occurred, shall not be a member of the criminal court or the accountability council.

(5) A Judge, or a prosecutor attorney, or a police officer, or a policeman, may not expel an advocate from the court room, or an office of the persecution attorney, or a police office, or order to expel any advocate in processing of legal procedures before a court or persecution attorney or police precinct¹⁵

Offence which occurs from advocate at the sitting

47. Every such offence, as may occur from an advocate, during his appearance before the courts, shall be deemed as such offence, as may occur, to any judge, in the course of discharge, or by reason of the duties, of his post, and whoever commits the same, shall be punished, with the same penalty prescribed for such offence.

Investigation as to an advocate

48.(1) Save cases of red-handedness, or such offences, as may affect State security, the permission of the Council shall be issued, before arresting, or summoning the advocate, to appear, in any investigation. Where the offence attributed, to the advocate, relates to his work, the President of Bar, or whoever he may deputize of advocates, shall attend the interrogation, or investigation; provided that the provisions of the Criminal Procedure Act, 1991 shall be followed, subject to the provisions of this section.

(2) In all cases, the advocate shall be treated, with such treatment, as may be compatible with the honor of his profession, to perform the duties of justice.

Complaint or proceedings by an advocate against another

¹⁵ The wording in the original text لا يجوز لاي قاضي أو وكيل نيابة أو ضابط شرطة أو شرطي أن يطرده من قاعة المحكمة أو مكتب وكالة النيابة أو مكتب الشرطة أو يأمر بطرده أي محام مباشر إجراءات قانونية أمام محكمة أو وكالة نيابة أو قسم شرطة

49.(1) An advocate, who wants to take judicial proceedings, against, another advocate, in any such subject, as may arise out of the professional relationships, shall obtain a written permission there for, from the Council. In case of urgency, such permission may be issued by the President of the Bar.

(2) Where an advocate has been deputed, by way of legal aid, to take any procedure, or appear before the court, against another advocate, the deputed advocate shall notify the Council of the same.

Advocate's books not to be attached or sold

50. The books and assets of the advocate, necessary for practicing his profession, shall not be attached, or sold.

Search of the seat of the Bar

51. Decisions, or orders passed, for the search of the seat of the Bar, shall not be executed; save after notifying the President of the Advocates Bar, or any of the members of the Council, or else the search and whatever results there from, shall be void.

Chapter VIII

Accountability of Advocates

Grounds requiring Accountability

52.(1) Whoever of the advocates contravenes the duties thereof, the honor of his profession, conducts himself, in such a way, as may degrade it, does such an act, as may affect the dignity of advocates, or contravenes one of the provisions of this Act, shall be tried before a board of accountability, and shall be punished, upon conviction, with one of the sanctions provided for in section 35, without prejudice to any proceedings, which may be taken, against him, under any other law.

(2) An advocate shall be deemed to have contravened his duties, where there arrive, to the Committee, three complaints, from three various courts, showing that he intentionally, or by his negligence, caused the impediment of consideration of proceedings, before the same.

(3) The rules of conduct, included into the Charter of the Profession's Morals, issued by the Council, shall be binding rules of conduct, the contravention of which entails disciplinary responsibly.

Sanctions

53.(1) The regulations shall prescribe the sanctions applicable to the advocate¹⁶

(2) In all cases, the advocate shall be bound to restitute whatever he may have taken, without truthful justification, unless the proprietor of the right relinquishes the same.

The Complaints Committee

54.(1) The Committee shall constitute a Sub-Committee, of persons of high experience, to be known as the, " Advocates Complaints Committee ", in the constitution of which, due regard shall

¹⁶ The wording in the original text "تحدد اللوائح الجزاءات التي توقع على الخامي"

be had to represent the Judiciary, the Ministry of Justice and advocates, and shall be entrusted with considering all the complaints, relating to the performance, business and authentications of advocates.

(2) The Complaints Committee shall examine each complaint, and determine the same, as to such manner, as may be set out in this Act, unless they deem that the complaint does not deserve consideration, for strong and fair grounds.

(3) The Complaints Committee may authorize, the Bar President Agents in the states, to examine any complaint and investigate it, and issue recommendation to the Committee¹⁷.

Functions of the Complaints Committee

55. (1) The Complaints Committee may recommend such as they may deem fit, with respect to any complaint they consider.

(2) The board may visit the office of the advocate, against whom the complaint is submitted, and examine any papers and books, where the same is necessary, for determining the complaint,

(3) In addition to the functions thereof mentioned in sub-sections (1) and (2), the board, upon direction from the Committee, or its own motion, after notifying the Committee, in writing, may visit the office of any advocate, to examine his authentications, where he is an advocate and commissioner for oaths, and ascertain that they are consistent with the law, and submit a report thereon, to the Committee, with a copy to the Chief Justice. The board may also lay down a program, for the revision of the authentications of the advocates, to ascertain that they are consistent with the law, and submit annual, or semi-annual reports thereon, to the Committee, with a copy to the Chief Justice. (4) For the achievement of what is set out in sub-section (3), any complaints submitted, to the board or the Committee, concerning authentications, may be accepted,

Board of Accountability

56. The Committee, upon the recommendation of the Complaints Committee, may form a board of accountability, for the accountability of any advocate, whom the Complaints Committee is of opinion to be accountable by a board of accountability, and the Committee shall specify the presidency and membership of the board of accountability, and give due regard, in the constitution of the same, to the conditions set out in this Act.

Constitution of the board of accountability

57.(1) Due regard, in the constitution of the board of accountability, shall be given that the same shall include a representative of the Judiciary, the Ministry of Justice and advocates.

(2) Due regard shall be given, in the board of accountability, that no member of the same shall be of less experience, in legal work, than the advocate whose accountability is under way.

(3) Whoever participates, in the investigation of the complaint, or has a personal interest relating thereto, shall not participate in the board.

Summonses of the advocate

58.(1) An advocate shall be summoned for the charge against him, in writing, and as to such amount, as may enable him to be acquainted with the nature thereof, and the date, at which he is required to appear, before the board of accountability.

¹⁷ The wording in the original text "يجوز للجنة تفويض وكلاء نقيب المحامين بالولايات لفحص أي والتحري فيها والتوصية بشأنها لدى اللجنة"

(2) The summon letter shall have reached the advocate, a week, at least, before the fixed sitting.

Defense of advocate before the board of accountability

The advocate may authorize an advocate, to defend him, before the board of accountability.

Accountability suit considered

59.(1) An accountability suit shall be considered in camera, and the board of accountability shall, at the date fixed for the convention thereof, hear all the evidence supporting the charge, and be succeeded by the evidence adduced by the advocate, and the statements of the advocate himself, where he appears.

(2) Evidence shall be adduced orally, or in writing, as the board of accountability may decide, and the evidence shall not be adduced under oath, unless the board of accountability decides the same.

(3) An advocate may cross-examine any of the witnesses, for the charge, and may present written questions, to any witness, whose testimony has been heard in writing.

(4) Subject to provisions of this Act, the board of accountability shall exercise the powers and functions of the court provided for in the Criminal Procedure Act, 1991, with respect to order of the sitting, and the procedure of the investigations necessary for judgment, in the disciplinary suit, including summons of witnesses.

(5) The board of accountability may hear the disciplinary suit, and determine the same, even though in absence of the accused advocate.

Record of proceedings

61. The president of the board of accountability shall write a record, of all the evidence heard by the board of accountability, and enter a note on every document produced to the board, and shall write the decision of the board of accountability, and sign the same, as of the date of passing thereof.

Decision of the board of accountability

62. 1) The decision of the board of accountability shall be passed by the absolute majority, and shall be grounded, and the grounds thereof shall be read, upon pronouncement thereof, in camera, and shall forthwith passing of the same, be notified to the Committee, the Under-Secretary, Ministry of Justice and the Council.

(2) Where the decision of the board of accountability is passed in absence of the advocate, he shall be notified thereof, in writing, and he, may apply, to the board of accountability, to review the decision, within ten days of his being notified thereof,

(3) The decision of the board of accountability shall not be executed, save after the same being final.

(4) A decision issued to revoke the advocate's license and strike his name off the Advocates Register, or suspend his license, shall have effect before all courts,

Appeal against the decision of board of accountability

63. (1) An advocate or the Complainer may appeal, against the decision of the board of accountability, before the Committee, within fifteen days, of the date of pronouncement of the decision, where the same is in his presence. Where the decision is in default, he may appeal against it, within fifteen days, of the expiry of the date of review, or the date of his being notified of the decision passed, on the application for review, as the case may be.

(2) The Committee may reject the appeal and confirm the decision of the board of accountability, or accept the appeal, and pass such judgment, as they may deem appropriate.

(3) The decision passed by the Committee, on the appeal, shall be final. (4) Notwithstanding the provisions of sub-section (3):-

(a) The Committee may, upon the application of the advocate, review the decision passed thereby confirming the decision passed by the board of accountability, revoking the advocate's license and striking his name off the Advocates Register, where the advocate presents thereto new evidence of such a nature, as may prove his innocence, and may, as well, do the same, for the same reasons, in case of passing the decision by the board of accountability, and it's becoming final without being, appealed against;

(b) the advocate, against whom a disciplinary decision has been passed, revoking his license and striking his name off the Advocates Register, may present, to the Chairman of the Committee, after the expiry of three years at least, of the date of passing the decision, an application to grant him license, and the Chairman shall refer the application, to the. Council, to submit the same, to the General Assembly, to pass a decision of such recommendation, as they may deem fit, with respect of the same. Where they recommend acceptance thereof, the Council shall submit the same, accompanied by the recommendations of the General Assembly, to the Committee, for consideration. thereof. Where the Committee deems that the reasons, for which the license has been revoked, have disappeared, or the period which has elapsed is sufficient to reform the advocate's position, they may grant him a license, and order re-enrollment of his name, on the Advocates Register. Where the Committee rejects the application, the advocate may renew the same, after the expiry of one year at least, of the date of the rejection decision, and there shall be followed, with respect to the new application, the procedure provided for in this paragraph, and the application shall not be renewed more than once.

Disciplinary decisions passed before the coming into force of this Act

64. An advocate, against whom a disciplinary decision has been passed, before the coming into force of this Act, may apply for review of such decision, appeal against the same, or take any other procedure under this Act, within one month, of the date of coming into force thereof, in accordance with the provisions of the sane.

Consequences of suspension of license

65. (1) There shall result, from suspension of the license, by a disciplinary decision, or for any of the grounds requiring the same, the suspension of the advocate, from membership of the Bar, and his deprivation of practicing advocacy. Where he practices advocacy, during the suspension period, he shall be punished disciplinarily, and the penalty shall, in this case, be revocation of the license, and striking his name off the Advocates Register.

(2) The suspension period shall not be calculated, as work period in advocacy, for any of the purposes of this Act,

Consequences of revocation of license

66 (1) Revocation of the advocate's license, and striking his name off the Advocates Register, by a disciplinary decision, or for any of the reasons requiring the same, shall result in his dismissal

from membership of the Bar, and his deprivation of practicing advocacy. Where he practices advocacy, he shall be punished with the penalty provided for in section 7.

(2) The revocation period shall not be calculated, as work period in advocacy, for any of the purposes of this Act.

Trial of an advocate disciplinarily for acts committed thereby before suspension or revocation, of his license

67, Suspension of the license of an advocate, or revocation of the same, shall not bar his disciplinary trial, for such acts, as he may have committed during his practice of advocacy; provided that he shall not, disciplinarily, be tried, where five years, at least, have elapsed, of the date of suspending, or revoking his license.

Notification of the Committee and register of judgments

68.(1) Every criminal court, who passes a judgment of penalty, against, any advocate, shall notify the Committee, by a letter, attaching therewith the copy of judgment. (2) The Committee shall prepare a special register, whereon shall be entered the criminal judgments, and the final disciplinary decisions passed against the advocate.

Rules of the Bar

69. The provisional committee of the Bar shall make the Basic Rules thereof, and deposit the same with the Registrar General of Work Organizations.

Chapter IX (Repealed)

Chapter X

National compulsory assignment

70.(1) The Head of State, after consultation with the Chief Justice, the Minister of Justice and the President of the Bar, may assign any advocate, to perform any legal tasks, in the Judiciary, the Ministry of Justice, or any other judicial, or quasi-judicial body, for any such period, as he may deem appropriate, or without specifying any period,

(2) The assigned advocate shall be granted sufficient chance, to arrange the business of his office, liquidate or transfer the same, in such manner, as may not prejudice his clients.

(3) The period of assignment shall be deemed a national honour and duty; provided that the assigned advocate shall have, during the assignment period, such emoluments, as may be compatible with his name and years of service.

Chapter XI Penalties and Regulations Penalties

71.(I) Without prejudice to any such severe penalty, as may be provided for by the. Criminal Act, 1991, there shall be punished, with imprisonment, for a term, not exceeding one year, or with such fine, as the court may specify, or with both, every person who personates an advocate, or practices advocacy, in contravention of any of the provisions of this Act.

(2) No suit shall be admitted, by any person who has been adjudged under the provisions of this section, for the restitution of any fees, or amounts, in consideration for such services, as he may have rendered, during his impersonating an advocate, or practicing advocacy as aforesaid.

Power to make regulations

72. The Committee, after taking the opinion of the Council, may make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice to the generality of the foregoing, there may be provided, in such regulations, for the following:-

- (a) The procedure of the board of accountability
- (b) Everything which is related to legal aid.

Schedule 1

Form (A)

A license issued, under section 7(2), of the Advocacy Act, 1983

Name of applicant _____

In accordance with the provisions of section 7(2), of the Advocacy Act, 1983, the aforesaid applicant shall be licensed to practice advocacy before:

The Advocates Admission Committee

Signature :.....

Issued, in Khartoum, on the _____, of _____, _____

Form (B)

Permission issued, under section 21 (d), of the Advocacy Act, 1983.

Name of applicant (1): _____

In accordance with the provisions of section 21 (d), of the Advocacy Act, 1983, the applicant is permitted to appear, on behalf of

(2): _____

(3): Before _____

(4): In the suit _____

(5): Against _____

(6): The applicant has selected the advocate _____

As a colleague thereof, in such work.

Issued, in Khartoum, on the _____, of _____,

The Advocates Admission Committee

Signature:
