

S T A T U T O R Y I N S T R U M E N T S

2018 No. 6.

THE ADVOCATES (SENIOR COUNSEL) REGULATIONS, 2018

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STATUTORY INSTRUMENTS

2018 No. 6.

The Advocates (Senior Counsel) Regulations, 2018.

(Under section 77 (1) (f) of the Advocates Act, Cap. 267).

IN EXERCISE of the powers conferred upon the Law Council by section 77 (1) (f) of the Advocates Act, these Regulations are made this 23rd day of February, 2018.

1. Title

These Regulations may be cited as the Advocates (Senior Counsel) Regulations, 2018.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Advocates Act Cap. 267;

“Committee” means the Committee on Senior Counsel.

3. Eligibility for rank of Senior Counsel

An advocate is eligible for the rank of Senior Counsel where the advocate—

- (a) has professional competence and experience of legal practice, within Uganda, of a period of not less than ten years;
- (b) demonstrates integrity, appropriate temperament and respect for professionalism in accordance with the Advocates (Professional Conduct) Regulations;
- (c) has contributed to jurisprudence through publication from research or teaching;
- (d) has argued a substantive matter in a superior court of record, a regional or international court; and

- (e) does not have a pending disciplinary case or complaint against him or her.

4. Attorney General and president of Uganda Law Society to be Senior Counsel

Notwithstanding regulation 3, an advocate who serves as the Attorney General or as the president of the Uganda Law Society, shall by virtue of the respective office, be granted the rank of Senior Counsel and shall continue to be Senior Counsel after ceasing to be Attorney General or president of the Uganda Law Society, respectively.

5. Establishment of Committee on Senior Counsel

(1) There is established a Committee known as the Committee on Senior Counsel which shall comprise—

- (a) a Justice of the Supreme Court, nominated by the Chief Justice, who shall be the chairperson of the Committee;
- (b) the chairperson of the Law Council;
- (c) the Attorney General;
- (d) the president of the Uganda Law Society;
- (e) two Senior Counsel;
- (f) an advocate, not being a Senior Counsel, nominated by the Executive Council of the Uganda Law Society; and
- (g) the secretary to the Law Council, who shall be the secretary to the Committee.

(2) The persons nominated under subregulation (1) (a), (e) and (f) shall serve for a term of three years, which may be renewed once.

(3) The quorum at a meeting of the Committee shall be five members.

(4) The Committee shall have not less than two sittings in a year.

(5) The member referred to in subregulation (1) (f) shall be an advocate with at least ten years' experience of legal practice.

6. First meeting of Committee

(1) The Committee shall at its first sitting after the commencement of these Regulations—

- (a) recommend to the Chief Justice to grant the rank of Senior Counsel to an advocate who served as Attorney General or as president of the Uganda Law Society, respectively; and
- (b) consider any applications for the rank of Senior Counsel made under the Advocates (Special Rank) Regulations, Statutory Instrument 267-8.

(2) For the avoidance of doubt, the Committee shall, at its first meeting, meet without the Senior Counsel referred to in subregulation 5(1) (e), but the proceedings of the Committee shall not be invalidated by the vacancies.

7. Functions of Committee

The functions of the Committee are—

- (a) to receive and consider applications submitted to it and where the Committee is of the opinion that the applicant qualifies to be granted the rank of Senior Counsel, recommend to the Chief Justice for the grant of the rank of Senior Counsel to the advocate; and
- (b) to receive and consider applications for the revocation of the rank of Senior Counsel and make recommendations to that effect to the Chief Justice.

(2) For purposes of these Regulations, the Committee may—

- (a) conduct a hearing for an advocate who applies for the grant of the rank of Senior Counsel;
- (b) summon an advocate recommending an applicant for the rank of Senior Counsel, to appear before the Committee;
- (c) conduct a hearing for any person objecting to an application for the rank of Senior Counsel; and
- (d) conduct a hearing under subregulation 8(5) for a person who makes an application for the revocation of the rank of Senior Counsel under regulation 11(1) (c).

8. Application for rank of Senior Counsel

(1) An advocate who wishes to be granted the rank of Senior Counsel, shall apply to the Committee in Form 1 set out in the Schedule to these Regulations.

(2) An application under subregulation (1) shall be accompanied by—

- (a) copies of the testimonials of the educational and professional qualifications of the advocate;
- (b) a record of the advocate's contribution to jurisprudence, including publications from research and teaching;
- (c) a record of the substantive matter argued by the advocate in a superior court of record or in a regional or international court; and
- (d) written recommendations from five advocates of not less than ten years' legal practice.

(3) For purposes of subregulation (2) (b) and (c), an applicant shall avail to the Committee ten copies of his or her publications from research or teaching.

(4) The secretary to the Committee shall, at least thirty days before the meeting of the Committee, issue a notice with the names of the advocates who have applied for the grant of the rank of Senior Counsel on the website of the Uganda Law Society and in a newspaper of wide circulation in Uganda.

(5) The notice in subregulation (4) shall invite any advocate or member of the public with any objection to an application, to notify the Committee in writing, within fourteen days from the date of issuance of the notice.

(6) The Committee shall not consider an application until all objections raised under subregulation (5) have been dealt with and for that purpose, the Committee may —

- (a) accord a person who objects to an application, such hearing as it deems necessary; and
- (b) grant an applicant the opportunity to be heard on any allegation or finding that may adversely affect his or her application.

9. Grant of rank of Senior Counsel

(1) Where the Committee makes a recommendation under subregulation 7(1), the Chief Justice shall, grant the rank of Senior Counsel, to the advocate recommended by the Committee in Form 2, set out in the Schedule to these Regulations.

(2) The secretary to the Committee shall publish the names of the advocates granted the rank of Senior Counsel in the Uganda Gazette and in the newsletter of the Uganda Law Society.

10. Privileges and responsibilities of Senior Counsel

(1) An advocate granted the rank of Senior Counsel shall —

- (a) use the title “Senior Counsel” or the initials “SC” after his or her name;

- (b) appear in court in a black gown, with purple embroidery, silk flaps and a wig, purchased from suppliers recommended by the Uganda Law Society;
- (c) have precedence in having his or her matter mentioned, when appearing before a court, a tribunal or a similar forum; and
- (d) enjoy other privileges as the Law Council, the Courts of Judicature or the Executive Council of the Uganda Law Society may bestow.

(2) An advocate granted the rank of Senior Counsel shall—

- (a) not appear in a court below the High Court; and
- (b) appear in court with an assistant counsel, who is not a Senior Counsel.

(3) Notwithstanding subregulation (2) (b), a Senior Counsel may, with the prior approval of the Law Council, appear in court without an assistant counsel.

(4) The assistant counsel who appears in court with a Senior Counsel shall be entitled to fees not exceeding one-third of the fees charged by the Senior Counsel.

11. Revocation of rank of Senior Counsel

(1) The Committee may recommend to the Chief Justice, the revocation of the rank of Senior Counsel held by an advocate, where—

- (a) the advocate granted the rank of Senior Counsel is convicted of an offence of moral turpitude under the Advocates (Professional Conduct) Regulations, or by a professional body outside Uganda;
- (b) the Committee on its own motion determines that the advocate has ceased to be qualified for the rank of Senior Counsel under regulation 3; or

- (c) an advocate or any other person makes an application to the Committee for the revocation of the rank of Senior Counsel, and the Committee is satisfied that the grant of the rank of Senior Counsel held by the advocate, should be revoked.

(2) For purposes of subregulation 1 (b) and (c), the Committee shall conduct an inquiry before recommending to the Chief Justice, the revocation of the rank of Senior Counsel.

(3) The Committee shall, where it is satisfied that the rank of Senior Counsel should be revoked, make a recommendation to the Chief Justice with a copy to the affected advocate, and shall state the reason for its recommendation.

(4) The Chief Justice shall revoke the rank of Senior Counsel of the advocate, upon receipt of the Committee's recommendation for revocation of the rank of Senior Counsel.

(5) An advocate whose rank of Senior Counsel is revoked, shall not use the designation of Senior Counsel and shall cease to enjoy the privileges accorded to Senior Counsel under these Regulations.

(6) The Committee shall determine its own procedures for holding an inquiry under these Regulations.

12. Procedure for inquiries

The Committee shall determine its own procedure for holding an inquiry under subregulations 7(2), 8(6) and 11(2).

13. Revocation of the Advocates (Special Rank) Regulations S I 267-8

The Advocates (Special Rank) Regulations S I 267-8 are revoked.

SCHEDULE

FORMS

Form 1

Regulation 8(1)

APPLICATION FOR THE GRANT OF THE RANK OF SENIOR COUNSEL

1. Name (*in full*)
2. Date of birth
3. Home address
4. Business address
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5. Education qualifications (including prizes and honours awarded)
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6. Professional qualifications obtained (include dates)
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7. Date of enrollment as an advocate

8. Professional career/employment record (include dates)
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9. State any other appointments or honours held (include dates)
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10. List of publications (from research or teaching)
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11. Give title of the substantive matter argued in a superior court of record,
regional or international court and attach a copy of the record
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12. (a) Do you practice with another advocate in your chambers?
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- (b) If so, state the name of the advocate and his or her qualifications
and date of enrollment.....
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13. Any additional information which may be relevant to the application.

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14. Particulars of recommenders and their addresses and telephone contacts

- (a)
- (b)
- (c)
- (d)
- (e)

.....
Advocate

.....
Date



THE ADVOCATES ACT CAP. 267

GRANT OF THE RANK OF SENIOR COUNSEL

Know ye that Hon. Chief Justice
Has been pleased to honour, grant and confer upon the distinguished and
learned.....an
advocate of the High Court of Uganda, the rank of Senior Counsel at the Bar
of the Republic of Uganda to practice as such in the courts of the said Republic
of Uganda, to hold and enjoy the rights, powers and privileges attaching to and
flowing therefrom and to observe and execute all duties and obligations
pertinent and attendant to the same for so long as the said Rank is not revoked
and to hold the said rank hereby granted in accordance with the Advocates Act.

IN WITNESS WHEREOF, His Lordship the Chief Justice has caused this grant
to be made, signed, sealed and delivered this.....day of.....in the
year of our Lord

Signature.....
CHIEF JUSTICE

JUSTICE REMMY KASULE,
(Chairperson Law Council/Justice,
Court of Appeal and Constitutional Court)

History: S.I. 18/1978.

Cross Reference Advocates (Professional Conduct) Regulations, S.I. 267 - 2.