

**N.R.C.D. 279****LAW OFFICERS ACT, 1974****ARRANGEMENT OF SECTIONS****SECTION**

1. Performance of the functions of the Attorney-General.
2. Fiats and consents of the Attorney-General.
3. Entitlement to practise.
4. Powers of arrest.
5. Repeals.

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**N.R.C.D. 279****LAW OFFICERS ACT, 1974<sup>1</sup>**

**AN ACT to provide for the performance of the functions of the Attorney-General and for related matters.**

**1. Performance of the functions of the Attorney-General**

(1) Subject to article 88 of the Constitution,

- (a) an officer of the Attorney-General's Department, not below the rank of a State Attorney, or an officer holding a post equivalent to that rank, or
- (b) a person appointed under section 56 of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), or
- (c) any other public officer if so authorised by the Attorney-General,

may perform any of the functions vested by an enactment in the Attorney-General, subject to the directions of the Attorney-General.

(2) Evidence shall not be required to be produced that a direction has been given by the Attorney-General in regard to a matter.

**2. Fiats and consents of the Attorney-General**

A document purporting to bear the fiat, order or consent of the Attorney-General for the purposes of an enactment, and to be signed by the Attorney-General or by an officer authorised to act under section 1 shall be admissible as prima facie evidence in any proceeding without proof being given that the signature to that fiat, order or consent is that of the Attorney-General or that officer.

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1. This Act was issued as the Law Officers Decree, 1974 (N.R.C.D. 279), made on the 27th day of August 1974 and notified in the *Gazette* on 3rd September, 1974.

**3. Entitlement to practise**

(1) A person holding the office of Attorney-General and an officer of the Attorney-General's Department is entitled, ex officio, to practise as a lawyer in Ghana.

(2) A person referred to in subsection (1) who has served as an officer of the Attorney-General's Department for a period not less than five years and whose name has not been entered on the Roll of Lawyers is entitled, despite the provisions of any other enactment, to be enrolled and called to the Bar under section 7 of the Legal Profession Act, 1960 (Act 32) and without payment of a fee.

(3) For the purposes of this section an officer of the Attorney-General's Department means

- (a) a person holding the post of Deputy Attorney-General, Solicitor-General, Director, Legislative Drafting or Director, Public Prosecutions,
- (b) a person holding the post of Chief State Attorney, Principal State Attorney, Senior State Attorney, State Attorney or Assistant State Attorney, and
- (c) any other person holding a post or, being of a rank declared by the Attorney-General by executive instrument to be equivalent to any of the posts or ranks specified in this subsection.

**4. Powers of arrest**

An officer of the Attorney-General's Department of or above the rank of State Attorney shall be deemed to have the powers of arrest conferred on a police officer by section 10 of the Criminal and other Offences (Procedure) Act, 1960 (Act 30).

**5. Repeals**

The following enactments are hereby repealed:

Law Officers Act, 1964 (Act 225);

Law Officers Act, 1964 (Amendment) Decree, 1967 (N.L.C.D. 151).

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