

PART IV.

BARRISTERS AND SOLICITORS.

67. (1) Every person entitled, at the commencement of this Ordinance, to practise in the Territory as a barrister or as a solicitor, may continue to practise as heretofore, and shall be a barrister or solicitor, as the case may be, of the Supreme Court.

(2) Every person holding office in the public service of the Territory under the provisions of section 55 of the Virgin Islands (Constitution) Order, 1976 shall, so long as he continues to hold such office, be *ex officio* a barrister of the Court, and shall be deemed to be enrolled as a barrister in accordance with the provisions of this Ordinance.

68. (1) A Judge of the High Court may, subject to the provisions of subsections (2) and (3), admit to practise as a barrister of the Court—

- (i) any member of the English Bar;
 - (ii) any member of the Scottish Bar;
 - (iii) any member of the Northern Irish Bar; and
 - (iv) any person who has obtained a degree from a recognised University and has also obtained a Certificate of Legal Education from the Council of Legal Education of the West Indies,
- and as a solicitor of the court, any person who shall have been admitted to practise as a solicitor or law agent by a Superior Court in England, Scotland or Northern Ireland:

Provided that upon cause being shown, an application to be so admitted may be refused notwithstanding that the applicant has complied with the provisions of this subsection and subsections (2) and (3):

And provided further that no refusal by a Judge of any such application shall be final but, an application so refused by such Judge shall, if the applicant so require by notice in

Existing practitioners.

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writing to the Registrar, be laid before and dealt with by the Court of Appeal.

(2) Every person applying to be admitted to practise as a solicitor or barrister under the provisions of this Ordinance shall—

(a) pay into the Treasury the sum of one hundred dollars as an enrolment fee;

(b) file in the office of the Registrar an affidavit of his identity and that he has paid the fee aforesaid; and

(c) deposit with the Registrar for inspection by the court—

- (i) the receipt for the fee aforesaid; and
- (ii) in relation to any person being admitted as a barrister of the court, his certificate of Call to the English, Scottish or Northern Irish Bar or his degree certificate from a recognised University and his Certificate of Legal Education from the Council of Legal Education of the West Indies and, in relation to any person being admitted to practise as a solicitor of the court, his certificate of admission as a solicitor in England or in Northern Ireland or as solicitor or law agent admitted to practise in Scotland.

(3) Every person applying to be admitted to practise as a barrister by virtue of English, Scottish or Northern Irish qualification shall deposit with the Registrar for inspection by the court, in addition to the documents required to be deposited for inspection under subsection (2) (c) either one of the following documents—

(i) a certificate issued by the Council of Legal Education, London that he has satisfactorily completed a practical training course provided by the said Council and approved by the Chief Justice for the purposes of this section; or

(ii) a certificate signed by his pupil master and countersigned on behalf of his Inn of Court that he has either before or after Call, or partly before and partly after Call read as a pupil for an aggregate period of not less than six months in the Chambers of one or more barristers of not less than five years standing practising in

England or in Northern Ireland or Advocate of not less than five years' standing practising in Scotland or in the Chambers of one or more barristers of not less than ten years' standing practising in the State.

(4) In a special case the Judge may exempt any such person from depositing or producing any of the certificates referred to in subsection (2) (c) (ii) and in subsection (3), if otherwise satisfied that he has the qualifications required.

(5) No unqualified person shall act as a solicitor or barrister or as such sue out any suit or process or commence, carry on or defend any action, suit or other proceeding, in the name of any other person or in his own name, in any court of civil or criminal jurisdiction, or act as a solicitor in any cause or matter, civil or criminal, to be heard or determined before any court.

(6) If any person contravenes the provisions of this section, he shall—

(a) be guilty of a misdemeanour and of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken and may be punished accordingly; and

(b) be incapable of maintaining any action for any costs in respect of anything done by him in the course of so acting; and

(c) in addition to any other penalty or forfeiture and any disability to which he may be subject, be liable for each such offence on summary conviction before a Magistrate, to a fine of two hundred dollars.

(7) Any person, not being enrolled as a barrister or a solicitor, who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is qualified (or recognised by law as qualified) to act as a barrister or solicitor, shall be liable on summary conviction before a Magistrate to a fine of two hundred dollars for each such offence.

(8) If any act is done by a body corporate or by any director, officer, or servant thereof, of such a nature or in such a manner as to be calculated to imply that the body corporate is qualified, or recognised by law as qualified, to act as a solicitor or barrister, the body corporate shall be liable on summary conviction before a Magistrate to a fine of four hundred dollars

for each such offence, and, in the case of an act done by a director, officer or servant of the corporation he also shall be liable on summary conviction before a Magistrate to a fine of one hundred dollars for each such offence.

(9) Nothing in this Part of this Ordinance shall affect any enactment empowering any unqualified person to conduct, defend or otherwise act in relation to any legal proceedings.

(10) It is hereby declared that in subsections (3) and (4) of this section and in section 74 references to unqualified persons include references to bodies corporate.

Enrolment of
barristers and
solicitors.

69. (1) Every person admitted as a barrister or solicitor of the Court shall cause his name to be enrolled in a book to be kept for the purpose by the Registrar and to be called the Court Roll, and, upon his name being so enrolled, shall be entitled to a certificate of enrolment under the seal of the High Court.

(2) Every person, whose name is so enrolled, shall if enrolled as a barrister, be entitled to practise as a barrister, and, if enrolled as a solicitor, be entitled to practise as a solicitor in every court in the Territory.

(3) No person, whose name is not so enrolled, shall be entitled to practise in any of the courts of the Territory.

Barristers
practising as
solicitors.

70. Subject to the provisions of section 71, every person enrolled as a barrister shall be entitled to practise as a solicitor, and to sue for and receive his taxed costs as such, but if he practises as a solicitor, he shall be subject to all the liabilities which attach by law to a solicitor.