

(Legal Notice No. 23)

THE LEGAL PRACTITIONERS ACT 1987
(No. 14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION)
RULES 1996

ARRANGEMENT OF RULES

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FIRST SCHEDULE

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THE LEGAL PRACTITIONERS ACT 1987 (No.
14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION)
RULES 1996

IN exercise of the powers conferred upon me by section 21 of the Legal Practitioners Act, 1987, and in consultation with the Rules Committee, I, SIR (GILBERT) JOHN BAPTIST MURIA, Chief Justice, do hereby make the following rules -

1. These Rules may be cited as the Legal Practitioners (Admission) Rules, 1996, and shall come into operation in accordance with section 21(4) of the Legal Practitioners Act 1987. Citation.

2. The Rules of Court for the Admission of Persons to Practise as Barristers and Solicitors in the High Court of Solomon Islands made under the provisions of Article 4 of the Pacific (Barristers and Solicitors) Order in Council 1913 as amended from time to time are hereby revoked. Revocation of 1913 Order-in-Council.

3. Any person who, at the time of application, is Admission entitled to practise as a barrister, solicitor or legal practitioner in requirements. any Commonwealth country and has so practised for at least five years immediately preceding the application may apply for admission as a legal practitioner in Solomon Islands .

4. (1) Every application for admission shall be Application. made by way of petition to the Court at least one (1) month before an applicant files his petition together with -

(a) an affidavit verifying that the petitioner has been admitted to the Bar in a Commonwealth country and is entitled to practise and has in fact practised in such jurisdiction for a period of not less than five years;

(b) true copies of certificates and documents certifying to the petitioner's entitlement to practise;

(c) evidence that the petitioner at the time of application continues to practise in such jurisdiction or if he has ceased to practise, the reason for so doing; and

(d) a certificate under the hand and seal of a Judge of a Court before which the petitioner last practised stating that such petitioner is a fit and proper person to be admitted.

(2) On receipt of an application referred to in subrule (1), the Registrar shall forward such application to the Solomon Islands Bar Association for its comments or recommendation.

(3) The Bar Association's endorsement (which must be produced to the Court) must be obtained or if the Bar Association does not endorse an application, this fact must also be communicated to the Court in writing.

(4) An applicant's petition must be moved in open Court on a day set aside by the Registrar for the hearing of admission petitions.

Admission.

5. (1 The Court, on being satisfied that the applicant -)
(a) has satisfied the conditions specified in rule 3~
and (b) is a fit and proper person to be admitted,

may admit such person as a barrister and solicitor of the High Court of Solomon Islands.

(2) The admission referred to in subrule (1) may be a general admission or with such restriction as the Court sees fit to impose.

Provisional admission.

6. Any person who holds a law degree or other legal qualification from any Commonwealth or other comparable jurisdiction that would, had he been resident in that jurisdiction, have entitled him to apply there for admission, or any person who is entitled to practise in any such jurisdiction but has done so for less than two years immediately preceding the application, may apply for provisional admission to practise in Solomon Islands.

7. (1) Every application for provisional admission shall be by way of petition to the Court together with -

Application
for provision-
al admission.

(a) an affidavit verifying that the petitioner is qualified for admission in a Commonwealth or other comparable jurisdiction or is entitled to practise in such jurisdiction but has not so practised for a period of at least two years immediately preceding the application;

(b) a true copy of the certificate or other document testifying to the petitioner's legal qualification or his entitlement to practise; and

(c) evidence that he is still so qualified or entitled to practise in such jurisdiction at the time of the application.

(2) Where the petitioner is entitled to practise but has practised for less than two years in addition to the documents mentioned in subrule (1), the petitioner shall also forward -

(a) a certificate under the hand and seal of the proper authority in that behalf (which shall include a statement that the person giving the certificate is the proper authority) that the petitioner is still entitled to practise in that court; and

(b) a certificate under the hand and seal of a judge of the court before or to which the petitioner has last practised or been attached that the petitioner is a fit and proper person to be admitted as a legal practitioner of the court.

8. (1) Any person claiming to be admitted under the provisions of section 4 of the Act, on or before the day he commences service with the Government in any of the offices specified in that section shall submit to the Registrar a declaration on Form 1 of the First Schedule.

Admission
under section
4 of the Act.

(2) On receipt of such a notice, the Registrar shall verify the facts on the notice and on finding them to be correct shall endorse the declaration and make arrangements for the declarant to make and subscribe to the oath prescribed under rule 13.

Restrictions
in relation to
admission.

9. (1) Any person who has been provisionally admitted and any person admitted under section 4 of the Act unless he fulfils the requirements of rule 3 for a period of twelve months following that provisional admission or admission work in the office of the Attorney-General, Director of Public Prosecutions, Public Solicitor or Registrar-General or in the office of a private practitioner with at least five years practical legal experience in Solomon Islands certified by the Chief Justice under his hand and the seal of the High Court as a fit person so to supervise a provisionally admitted legal practitioner.

(2) For the said period of twelve months the provisionally admitted practitioner or practitioner admitted under section 4 of the Act who does not fulfil the requirements of rule 3 shall not-

(a) during the first six months appear as an advocate in the High Court or the Court of Appeal or issue any process, draft pleadings or give legal opinion in his own name but may undertake any other work as a legal practitioner;

(b) during the second six months appear as an advocate in the High Court or the Court of Appeal but may undertake any other work as a legal practitioner; or

(c) during the whole period of twelve months hold money in trust for a client.

Application
for admission
to practise
without
restriction.

10. (1) On the completion of the said twelve month period any practitioner provisionally admitted may apply for admission on Form 2 of the First Schedule and any practitioner admitted under section 4 of the Act who does not fulfil the requirements of rule 3 may apply on Form 3 of the First Schedule to be permitted to practise without restriction. Each such application shall be accompanied by -

(a) an affidavit from the practitioner in charge of the office in which or the certified private practitioner with whom the applicant has served his twelve months restricted practice, stating -

- (i) that the applicant has observed the instructions set out in rule 9;
- ~~(ii) that the applicant has conducted himself properly as a legal practitioner;~~
- (iii) the opinion of the deponent as to the applicant's suitability to be admitted or to practise without restriction; and
- (iv) that to the deponent's knowledge the applicant is a fit and proper person for admission, if that be the case;

(b) a certificate from the Secretary of the Bar Association of Solomon Islands that the applicant is a member of the Association and has not ceased so to be or been suspended or otherwise disciplined under the rules of the Association; and

(c) the certificate of admission issued under rule 13.

11. On receipt of an application under rule 10 the Court may-

- (a) admit the practitioner or allow him to practise without restriction; or
- (b) after giving the applicant an opportunity to be heard, extend the period of his provisional admission or the period of restriction for a period not exceeding twelve months and with such directions as to the terms of his practice as the Court shall consider appropriate.

Admission without restriction or extension of restriction.

12. The application fees set out in the Second Schedule shall be paid on every application for admission or provisional admission but there shall be no fee in the case of a declaration under rule 8.

Application fees.

13. (1) An applicant shall before he is admitted or provisionally admitted make and subscribe to the following oath or affirmation before a judge of the High Court or the Court of Appeal -

Oath or affirmation and endorsement of certificate.

" I,do swear (or do solemnly, sincerely and truly declare and affirm) that I will truly and honestly conduct myself as a legal practitioner of Solomon Islands according to the best of my knowledge and ability. (And in the case of an oath) So help me God".

(2) After the applicant has made and subscribed the oath and has been admitted or provisionally admitted whether under section 4 of the Act or otherwise, the judge of the Court shall the same day certify that fact under his hand and the seal of the High Court on Form 4 of the First Schedule.

(3) When the admission is provisional or subject to restriction under rule 9, the judge shall endorse the certificate accordingly.

(4) On completion of the period of provisional admission or on the removal of restrictions the judge shall endorse the certificate accordingly.

Production of certificate.

14. (1) On production by the practitioner of the certificate mentioned in rule 13, and payment of the prescribed enrolment fee, the Registrar shall enter on the Roll kept by him under section 6 of the Act the name of the person admitted and shall certify that he has done so on the aforementioned certificate.

~~(2) When the admission is provisional or subject to restrictions under rule 9, the Registrar shall mark the Roll accordingly.~~

~~(3) On completion of the period of provisional admission or on the removal of restriction, the Registrar shall mark the Roll accordingly.~~

~~(4) A legal practitioner may not appear as an advocate before any court in Solomon Islands until his name has been entered on the Roll.~~

Admission without limit of time.

15. Subject to the provisions of rules 5, 6, 9 and 10, the Court shall admit legal practitioners without limit of time:

Provided that, if the person admitted is not a citizen or resident of Solomon Islands, the admission may be limited to such shorter period as the Court may consider appropriate as the case may be.

16. (1) (a) Every person admitted or provisionally admitted shall be issued with a practising certificate upon payment of the additional fee and such certificate shall be valid to the end of the calendar year in which they are admitted or provisionally admitted.

Practising
certificate.

(b) Every person practising in Solomon Islands shall during the month of January each year apply for a current practising certificate. Every practising certificate shall be valid for the calendar year in which it is issued or in the case of admissions under the proviso to rule 15 for such shorter period as the case may be.

(c) All practising certificates shall be on Form 5 of the First Schedule.

(d) On each application for renewal of a practising certificate a declaration shall be made on Form 6 of the First Schedule and the fee prescribed in the Second Schedule shall be paid except that any person admitted under section 4 of the Act will not be liable to pay any fee.

(e) On receipt of such an application and of the fee prescribed in the Second Schedule when appropriate, the Registrar shall issue a practising certificate unless he has cause to believe the declaration on Form 6 of the First Schedule is not correct in any particular. Where for any reason the Registrar declines to issue a certificate he shall within fourteen days certify to the applicant and the Court his belief and the reason therefor.

(2) Any person who is aggrieved by the Registrar's decision may apply to the Court *ex parte* by notice of motion for an order that the certificate be issued.

"(3) If a legal practitioner who has obtained a practising certificate neglects for three months after the expiration of that certificate to obtain a fresh certificate and subsequently applies therefor, the Registrar shall not issue such a certificate but shall require the applicant to submit his reasons for failing to apply together with a declaration on Form 7 of the First Schedule that he has not practised at any time since the end of the month of January following the expiration of the certificate until the date of such application.

(4) On receipt of such a statement the Registrar shall forward it to the Chief Justice who may direct the Registrar to issue a fresh certificate on such terms and conditions (if any) as he may think fit or may refuse to issue such a certificate.

Discretion of
the Chief
Justice.

17. Nothing in rule 16 shall restrict the discretion of the Chief Justice to refuse to issue a practising certificate to any practitioner, who has been found guilty of a criminal offence or of any offence of professional misconduct.

Making false
statement in
any docu-
ment or
application.

~~18. Any person who knowingly makes a false statement in any document or application under these Rules shall be guilty of an offence and liable to a fine of five hundred dollars. Such an offence shall constitute professional misconduct.~~

Transitional
provisions.

19. Any legal practitioner who, on the day these Rules come into force, is admitted under the Rules referred to in rule 2 of these Rules shall be deemed to be properly admitted as a legal practitioner under these Rules.

FIRST SCHEDULE

Form 1

THE LEGAL PRACTITIONERS ACT 1987 (No. 14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION) RULES 1996

DECLARATION THAT SECTION 4 APPLIES

(Rule 8)

I,
of
on the day of 19 started employment in an office of the Government for which a legal qualification is required .

I THEREFORE DECLARE that from the abovementioned date I am entitled to admission as a legal practitioner under the provisions of section 5.

I APPLY to take the oath under rule 15 of the Legal Practitioners (Admission) Rules 1996 and to have my name entered on the Roll of Practitioners.

30.

Dated this 12
7 day of 1
9
Confirmed with the Judicial and Legal Commission this
day of 19

Registrar

Form 2

THE LEGAL PRACTITIONERS ACT 1987 (No.
14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION)
RULES 1996

APPLICATION FOR ADMISSION ON COMPLETION OF
TWELVE MONTHS PROVISIONAL ADMISSION

(Rule 10)

I,
of
was provisionally admitted as a legal practitioner in Solomon
Islands on the day of 19

I HEREBY DECLARE that for the period of six months from
~~the day of 19 to~~
~~the day of 19 I~~
was working under of
and during that time I did not appear as an advocate in the High
Court or the Court of Appeal or do anything prohibited under rule
9(2).

I FURTHER DECLARE that for the further period of six months
from the day of 19 to the day of

19 I was working under of
and during that time I did not appear as an advocate in the High
Court or the Court of Appeal.

I FURTHER DECLARE that there has been no change in the

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qualifications and entitlement to practise described in my petition dated the _____ day of _____ 19____ and presented when I applied for provisional admission (save for.)

I FURTHER DECLARE that I truly believe I am now qualified for admission as a legal practitioner.

AND I APPLY to be admitted as a legal practitioner.

Dated this _____ day of _____ 19____

Form 3

THE LEGAL PRACTITIONERS ACT 1987
(No. 14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION)
RULES 1996

APPLICATION FOR REMOVAL OF
RESTRICTIONS ON PRACTICE

(Rule 10)

I _____
of _____
on the _____ day of _____ 19____
started employment in an office of the Government for which a legal qualification is required and was therefore admitted as a legal practitioner under section 4 of the Act but did not fulfil the requirements of rule 3.

I HEREBY DECLARE that for the period of six months from the _____ day of _____ 19____ to the _____ day of _____ 19____ I was working under _____ of _____ and during the time I did not appear as an advocate in the High Court or the Court of Appeal.

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Registrar.

Form 5

THE LEGAL PRACTITIONERS ACT 1987 (NO.
14 OF 1987)

THE LEGAL PRACTITIONERS (ADMISSION)
RULES 1996

PRACTISING CERTIFICATE

(Rule 16)

I hereby certify that
whose place of business is at

has this day left with the Registrar of the High Court a declaration in
writing in accordance with rule 16 of the Legal Practitioners
(Admission) Rules 1996 and hereby further certify
that the said
is entitled to practise as a legal practitioner from that address for the
year of 19

Dated this day of 19

Registrar

Form 6

THE LEGAL PRACTITIONERS ACT 1987 (No.
14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION)
RULES 1996

DECLARATION FOR OBTAINING PRACTISING
CERTIFICATE

(Rule 16)

34.

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hereby declare that I was (provisionally) admitted as a legal practitioner on the _____ day of _____ 19____ and that my place of business is _____

I FURTHER DECLARE that during the last twelve months I have not been suspended or otherwise prevented from practising (except _____)

Dated this _____ day of _____ 19____

Form 7

THE LEGAL PRACTITIONERS ACT 1987 (No. 14 of 1987)

THE LEGAL PRACTITIONERS (ADMISSION) RULES 1996

DECLARATION AFTER FAILING TO RENEW PRACTISING CERTIFICATE

(Rule 16)

I was admitted as a legal practitioner on the _____ day of _____ 19____
I was last issued with a practising certificate on the _____ day of _____ 19____ entitling me to practise from the abovementioned address for the period of one year and the certificate expired on the thirty-first day of December 19____

I HEREBY DECLARE that I have not carried on the business of a legal practitioner or acted in any way as a legal practitioner from the thirty-first day of January 19____ to the day of this declaration.

36.

