



## **CHAPTER 2.04**

# **LEGAL PROFESSION ACT**

**Revised Edition**  
Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **LEGAL PROFESSION ACT**

Act 31 of 2000 .. in force

section 61 ...1 April 2002 (S.I.91/2001)

remainder ...1 April 2001 (S.I.2/2001)

Amended by Act 18 of 2001 in force 8 September 2001

Amended by Act 24 of 2006 in force 15 May 2006

Amended by Act 8 of 2007 in force 17 September 2007

### **LEGAL PROFESSION (LAW OFFICES) ORDER – Section 26(1)**

Statutory Instrument 50/2001 .. in force 7 April 2001

### **LEGAL PROFESSION (FEES) REGULATIONS – Section 67**

Statutory Instrument 49/2001 .. in force 7 April 2001

Amended by S.I. 55/2003 in force 16 June 2003

**LEGAL PROFESSION (REMUNERATION OF ARBITERS) REGULATIONS – Section 67**

Statutory Instrument 150/2006 in force 4 September 2006

## CHAPTER 2.04

# LEGAL PROFESSION ACT

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## CHAPTER 2.04

### LEGAL PROFESSION ACT

(Acts 31 of 2000, 18 of 2000, 24 of 2006 and 8 of 2007)

AN ACT to provide for the reorganisation and regulation of the legal profession, for the qualification, enrolment and discipline of its members and for related matters.

Commencement [Section 61:1 April 2002; Remainder 1 April 2001]

#### PART 1 PRELIMINARY

##### 1. SHORT TITLE

This Act may be cited as the Legal Profession Act.

##### 2. INTERPRETATION

In this Act—

“**annual subscription**” means the annual subscription payable under section 12;

“**Appeals Commission**” means the Appeals (Professional Misconduct) Commission established under section 40;

“**attorney-at-law**” means a person whose name is entered on the Roll in accordance with this Act;

“**Bar Association**” means the Bar Association of Saint Lucia established under section 3;

“**certificate of enrolment**” means the certificate of enrolment issued under section 19;

“**client**” includes—

- (a) in relation to contentious business any person who as principal or on behalf of another person retains or employs any attorney-at-law and any person who is or may be liable to pay to an attorney-at-law costs for such business; and

- (b) in relation to non-contentious business, any person who, as a principal or on behalf of another or as a trustee or executor or in any other capacity, has power, express or implied, to retain or employ and retains or employs an attorney-at-law for such business;

“**Code of Ethics**” means the Code of Ethics set out in Schedule 3;

“**Committee**” means the disciplinary committee established under section 36;

“**costs**” includes fees for any legal business done by an attorney-at-law;

“**Council**” means the Council of the Bar Association constituted under section 4;

“**Council of Legal Education**” means the Council of Legal Education established under Articles 1-4 of the Agreement Establishing the Council of Legal Education as set out in Schedule 7;

“**Court**” means the High Court;

“**fees**” includes charges, disbursements, expenses and remuneration;

“**firm**” means a partnership or associateship of attorneys-at-law;

“**minor traffic offence**” means an offence relating to road traffic for which the punishment is a fine only;

“**notary**” means an attorney-at-law performing the functions of a notary royal in accordance with Part 6;

“**practise law**” means practise as a barrister or solicitor or an attorney-at-law, or the undertaking or performing of the functions of a barrister or solicitor or attorney-at-law as provided or recognised by any law before or after the coming into force of this Act;

“**practising certificate**” means a certificate issued under section 23;

“**prescribed**” means prescribed in the Regulations;

“**Queen's Counsel**” means an attorney-at-law who is a member of the Bar Association upon whom the rank of Queen's



Counsel has been bestowed by the Governor General upon the recommendation of the Chief Justice;

“**Registrar**” means the Registrar of the High Court;

“**Regulations**” means Regulations made under section 67;

“**Roll**” means the list of attorneys-at-law kept by the Registrar in accordance with section 13;

“**unqualified person**” means a person who under section 21 is disqualified from practising law.

*(Amended by Act 8 of 2007)*

## **PART 2 BAR ASSOCIATION**

### **3. ESTABLISHMENT OF BAR ASSOCIATION**

- (1) There is established a body corporate to be known as the Bar Association of Saint Lucia, to which section 19 of the Interpretation Act applies.
- (2) The Bar Association shall consist of practitioner members, non-practitioner members and honorary members.

### **4. MANAGEMENT OF BAR ASSOCIATION**

- (1) Subject to subsection (2) the affairs of the Bar Association shall be managed and its functions performed by a Council constituted in accordance with Schedule 6.
- (2) The Provisions of Part B of Schedule 6 shall apply to constituting the first Council under this Act.

### **5. PURPOSES OF BAR ASSOCIATION**

The purposes of the Bar Association are—

- (a) to maintain and improve the standards of conduct and proficiency of the legal profession in Saint Lucia;
- (b) to represent and protect the interests of the legal profession in Saint Lucia;

- (c) to promote good relations within the legal profession, between the legal profession and persons concerned in the administration of justice in Saint Lucia and between the legal profession and the public generally;
- (d) to promote good relations between the legal profession and professional bodies of the legal profession in other countries and to participate in the activities of any international association of lawyers and to become a member thereof;
- (e) to promote, maintain and support the administration of justice and the rule of law;
- (f) to do such other things as are incidental or conducive to the achievement of the purposes set out in paragraphs (a) to (e).

## **6. PRACTITIONER MEMBERS**

An attorney-at-law who is a member of the Bar Association and who holds a valid practising certificate is a practitioner member of the Bar Association. (*Substituted by Act 18 of 2001*)

## **7. NON-PRACTITIONER MEMBERS**

A non-practitioner member is an attorney-at-law who is a member of the Bar Association but who is not the holder of a practising certificate.

## **8. HONORARY MEMBERS**

The Bar Association may confer honorary membership of the Bar Association on such distinguished lawyers as it may think fit and may in its discretion revoke any such membership.

## **9. PRIVILEGES OF AND PROHIBITIONS ON MEMBERS**

- (1) Subject to this section and section 10, all members of the Bar Association have the same rights and privileges.
- (2) The customary privileges shall be extended to an attorney-at-law who holds the rank of Queen's Counsel.

- (3) Only practitioner members who pay their annual subscription to the Bar Association or who are exempt under section 27 are eligible to attend and vote at a general meeting.
- (4) Practitioner members may by a resolution exclude, from a general meeting of the Bar Association or any part thereof, all other members.
- (5) Subject to subsection (6) an attorney-at-law who holds the rank of Queen's Counsel shall not perform any functions which are performed by a solicitor and are not performed by a barrister.
- (6) Despite subsection (5), an attorney-at-law who holds the rank of Queen's Counsel shall not be precluded from continuing or engaging in a partnership with another attorney-at-law by reason only that the last mentioned attorney-at-law performed the functions mentioned in subsection (5).

## **10. EXPULSION AND SUSPENSION OF RIGHTS AND PRIVILEGES**

A practitioner member or a non-practitioner member of the Bar Association may in the prescribed manner, and upon such grounds as may be prescribed, after being given a reasonable opportunity to answer all allegations made against him or her—

- (a) be expelled from membership; or
- (b) be deprived of any one or more rights and privileges of membership.

## **11. TERMINATION OF MEMBERSHIP**

A member of the Bar Association other than an honorary member, who ceases to be qualified for membership, ceases to be a member.

## **12. ANNUAL SUBSCRIPTION**

- (1) The amount of the annual subscription payable by members other than honorary members of the Bar Association shall, subject to subsection (5), be fixed by the Bar Association and shall be paid to the Bar Association.
- (2) The annual subscription is in respect of the period of 12 months commencing on 1 October in each year.

- (3) In fixing the annual subscription the Bar Association may divide the members into classes and provide for different amounts to be paid by different classes of members and for different periods, and generally regulate and vary the subscription payable by members or different classes of members as the Bar Association may think fit.
- (4) The Bar Association may fix levies payable by practitioner members for any of the purposes of the Bar Association.
- (5) The annual subscription payable under subsection (1) and levies payable under subsection (4) shall be as prescribed by regulations in accordance with a resolution of a general meeting of the Bar Association.
- (6) The Bar Association shall on or immediately after 1 November in each year, publish in the Gazette and in one newspaper circulating in Saint Lucia, a list of its members who have paid the annual subscription for that year together with a list of members who are exempt from paying annual subscription.

*(Amended by Act 18 of 2001)*

### **PART 3**

#### **MEMBERSHIP OF THE LEGAL PROFESSION**

##### *Enrolment, Admission and Status*

#### **13. ROLL**

- (1) The Registrar shall keep, in accordance with this Act and any rules of court made under section 60, a chronological list (in this Act referred to as “the Roll”) of all attorneys-at-law.
- (2) The Registrar shall have the custody of the Roll and of all documents relating to it and shall allow any person to inspect the Roll during office hours free of charge.

#### **14. REGISTRATION OF PERSONS ENTITLED TO PRACTISE BEFORE COMMENCEMENT**

The Registrar shall, as soon as practicable after the commencement of this Act, cause to be registered on the Roll the name of every person who, immediately before the commencement of this Act, appeared on

the roll of lawyers kept under the Legal Practitioners Act, 1916, according to the dates on which they were respectively admitted to practise law.

## 15. ADMISSION OF CITIZENS TO PRACTISE

- (1) Subject to subsection (3) and section 16, the Court may admit to practise as an attorney-at-law in Saint Lucia —
  - (a) any English or Irish barrister-at-law, or any Scottish advocate;
  - (b) any barrister or advocate of any of the Superior Courts of any British Possession where similar privileges are accorded to barristers of the Supreme Court;
  - (c) any solicitor of the United Kingdom or Law Agent admitted to practice in Scotland;
  - (d) subject to subsection (2), any person who being not less than 18 years and otherwise qualified, shall have passed the intermediate and final examinations of the Law Society of England; or
  - (e) any person of not less than 18 years who has obtained the Legal Education Certificate awarded by the Council of Legal Education.
- (2) In order to be admitted under subsection 1 (d) a person shall produce to the Registrar, certificates of the Law Society of England that he or she has passed the intermediate and final examinations of the said Law Society and shall at the same time produce satisfactory evidence —
  - (a) that he or she served for 5 years continuously in the Chambers of a practicing barrister and has throughout that time been of a good character; and
  - (b) that he or she has passed one of the following examinations, that is to say —
    - (i) the Matriculation Examination of the University of London;
    - (ii) the School Certificate Examination of the University of Cambridge; or
    - (iii) any examination prescribed as qualifying for admission to the Inns of Court.

- (3) In order to be admitted to practise as an attorney-at-law in Saint Lucia under subsection (1), a person shall make an application to the High Court and satisfy the High Court that —
- (a) he or she is a citizen of Saint Lucia;
  - (b) he or she is of good character;
  - (c) he or she does not have a criminal record except if it is for a minor traffic offence;
  - (d) he or she is not declared by a court to be bankrupt; and
  - (e) he or she has paid the prescribed fee.
- (4) The High Court may by order refuse to admit a person who fails to satisfy the requirements of this section.

*(Amended by Act 8 of 2007)*

## **16. ELIGIBILITY AND ADMISSION OF NON-CITIZENS**

- (1) Subject to subsection (2) the Attorney General may by order published in the Gazette provide that, subject to such conditions as the Attorney General may specify, a person who is a citizen or a national of a country other than Saint Lucia and who satisfies the requirements of subsections (1) and (2) of section 15 shall be eligible to be admitted by the High Court to practice law in Saint Lucia.

- (2) The Attorney General shall not make an order under subsection (1) unless the Attorney General is satisfied after consultation with the Chief Justice that the person is a citizen or a national of a country the laws of which gives reciprocal treatment to a citizen of Saint Lucia in relation to admission to practice law in that country.
- (3) A person who is eligible to be admitted to practise law under subsection (1) may make an application to the High Court to be admitted to practise law in Saint Lucia and the High Court shall, if satisfied that—
  - (a) the person satisfies the requirements of subsections (1) and (2) of section 15;
  - (b) the person is of good character;
  - (c) does not have a criminal record except if it is for a minor traffic offence;
  - (d) is not declared to be bankrupt by a court; and
  - (e) the person has paid the prescribed fee,admit the person to practise law in Saint Lucia;
- (4) A person admitted by the High Court under the authority of an order made under subsection (1) shall be deemed to have been duly admitted to practise law under this Act and his or her name shall be registered on the Roll by the Registrar.
- (5) For the purposes of this section the expression “national” means, in the case of a country where there is no law in force conferring citizenship of that country, a person who is regarded as belonging to that country under any law in force in that country.

*(Amended by Act 8 of 2007)*

## **17. APPEAL**

An appeal lies to the Court of Appeal from an order of the High Court refusing an application made under section 15 or 16.

## **18. OATH**

A person, on being admitted to practise law, shall take the oath as prescribed in Schedule 1.

## 19. CERTIFICATE OF ENROLMENT

- (1) The Registrar shall, on request, issue to an attorney-at-law duly registered on the Roll, a certificate of enrolment of that attorney-at-law as prescribed in Form 1 of Schedule 2.
- (2) The production of a certificate of enrolment shall be *prima facie* evidence that the person named in it is duly enrolled as an attorney-at-law, and the certificate of enrolment shall be admissible in evidence without further proof of the sealing and signing thereof by the Registrar.

## 20. STATUS OF ATTORNEY-AT-LAW

A person whose name is entered on the Roll in accordance with this Act shall be known as an attorney-at-law and—

- (a) subject to section 21(1), is entitled to practise law and to sue for and recover his or her fees for services rendered in that respect;
- (b) subject to section 21(1)(b), has the right of audience before any court;
- (c) is an officer of the High Court except when he or she appears in the presentation of a case in any court or before any tribunal.

## 21. PROHIBITION ON PRACTISE

- (1) A person shall not practise law unless—
  - (a) his or her name is entered on the Roll in accordance with this Act; and
  - (b) that person is the holder of a valid practising certificate.
- (2) A person who practises law in contravention of subsection (1) is not entitled to maintain any action for the recovery of any fee on account of or in relation to any legal business done by him or her in the course of such practice.
- (3) An attorney-at-law employed in the government service shall not act as conveyancer or notary royal or accept any remuneration for the performance of any act as attorney, agent or adviser, to any plaintiff, defendant, suitor or other party in or



to any proceeding in any court in Saint Lucia except where the attorney at law acts on behalf of the Government.

*(Amended by Act 24 of 2006)*

## **22. LIABILITY FOR NEGLIGENCE AND LACK OF SKILL**

- (1) Subject to subsection (2) an attorney-at-law shall not enjoy immunity from action for any loss or damage caused by his or her negligence or lack of skill in the performance of his or her functions.
- (2) An attorney-at-law is immune from suit in negligence in respect of his or her conduct of litigation only.
- (3) The immunity referred to in subsection (2) is not confined to proceedings in court but extends to such pre-trial work as is so intimately connected with the conduct of the case in court that it could be said to be a preliminary decision affecting the way the case is to be conducted at the hearing.
- (4) In this section “function” means a function undertaken by an attorney-at-law in relation to the conduct or management of litigation or prospective litigation, whether performed in or out of court or before, during or after any court proceedings.

## **23. PRACTISING CERTIFICATE**

- (1) An attorney-at-law who desires to practise law shall apply to the Registrar for a certificate to be called a practising certificate.
- (2) On being satisfied that the attorney-at-law is not disqualified from obtaining a practising certificate, the Registrar shall issue to the attorney-at-law a practising certificate.
- (3) A practising certificate shall be as prescribed in Form 2 of Schedule 2.
- (4) The Registrar shall cause to be published in the Gazette—



- (a) in the month of February in every year, an alphabetical list of persons who have as at 31 January in that year obtained a practising certificate;
  - (b) as soon as practicable after a person obtains a practising certificate, the name of the person.
- (5) A copy of the Gazette containing the name of any person published under subsection (4), is *prima facie* evidence in any court of the registration on the Roll, of the name of, and the holding of a valid practising certificate by that person.

*(Substituted by Act 18 of 2001)*

#### **24. ISSUE OR REFUSAL OF PRACTISING CERTIFICATE**

- (1) In the cases described in subsection (2), an attorney-at-law applying for a practising certificate shall, unless the High Court otherwise orders, give to the Registrar at least 4 weeks before the application is made, notice of his or her intention to make the application and the High Court may in its discretion order the Registrar to issue or refuse the application or to issue a practising certificate to the applicant subject to such terms and conditions as it may think fit.
- (2) Subsection (1) applies to any case where an attorney-at-law makes an application for a practising certificate—
- (a) where for 12 months or more he or she has ceased to hold a valid practising certificate;
  - (b) while he or she is an undischarged bankrupt or there is in force against him or her a receiving order in bankruptcy;
  - (c) where having been suspended from practice or having had his or her name struck off the Roll, the period of his or her suspension has expired, or his or her name has been restored to the Roll;
  - (d) not having held a valid practising certificate within the 12 months next following the date of his or her registration on the Roll;
  - (e) when he or she has been declared a person of unsound mind by a qualified medical practitioner;
  - (f) without having paid any penalty, compensation or reimbursement or costs ordered by the Committee to be

- paid by him or her, or without having otherwise complied with any order of the Committee;
- (g) after having had an order made against him or her for the issue of a writ of attachment;
  - (h) after having been declared a bankrupt and obtained his or her discharge or after having entered into a composition with his or her creditors or a deed of arrangement for the benefit of his or her creditors; or
  - (i) after having had given against him or her any judgment which involves the payment of moneys other than costs and is not a judgment as to the whole effect of which upon him or her, he or she is entitled to indemnity or relief from any other person, and without having produced evidence of the satisfaction of such judgment.
- (3) In the event of an appeal having been made against a receiving order referred to in subsection (2)(b), the Court shall not refuse the application while the appeal is pending unless in its opinion the proceedings on the appeal have been unduly protracted by the appellant or are unlikely to be successful.
- (4) Where the matters referred to in subsection (2) are no longer operative, an applicant shall be entitled to the issue of a recommendation for the issue of a practising certificate and the period of notice stipulated under this section shall not be required.

## **25. SUSPENSION OF PRACTISING CERTIFICATE**

Where as any of the provisions of section 24(2)(b), 24(2)(e), 24(2)(f) or 24(2)(g) of apply to an attorney-at-law, he or she shall be suspended from practising law.

### *Law Officers and Members of Cabinet*

## **26. LAW OFFICERS AND MEMBERS OF CABINET AS ATTORNEY-AT-LAW**

- (1) For the purposes of this Act, a law officer is an attorney-at-law who holds office in the Public Service and is appointed by the Judicial and Legal Service Commission, and which office is declared by order of the Attorney General to be a law office.

- (2) A law officer or member of Cabinet so long as he or she remains a law officer or member of Cabinet shall be deemed to be the holder of a valid practising certificate and to be a practitioner member of the Bar Association.
- (3) A certificate in the form set out as Form 3 in Schedule 2 signed by the Attorney General to the effect that a particular person is a law officer or member of Cabinet is *prima facie* evidence of that fact.

*(Amended by Act 18 of 2001)*

## **27. LAW OFFICERS EXEMPT**

A law officer or member of Cabinet is exempt from paying annual subscription to the Bar Association under section 12. *(Amended by Act 18 of 2001)*

### ***Removal from Roll and Suspension***

## **28. VOLUNTARY REMOVAL FROM THE ROLL**

An application by an attorney-at-law to procure the removal of his or her name from the Roll shall be made in a summary manner to the High Court which shall make such order as it thinks fit.

## **29. REMOVAL FROM ROLL AND SUSPENSION FROM PRACTICE**

- (1) The Registrar shall make the appropriate alteration in the Roll and publish the appropriate notice in the Gazette where—
  - (a) the High Court orders the name of an attorney-at-law to be removed from the Roll or that the attorney-at-law be suspended from practising law;
  - (b) by virtue of any law, the name of an attorney-at-law is removed from the Roll or an attorney-at-law is suspended from practising law,

but where there is an appeal against any order from which the suspension or removal results, the Registrar shall not in the event of an appeal take any action under this section until the order has been confirmed on appeal.

- (2) Where the name of an attorney-at-law is removed from the Roll his or her practising certificate ceases to be valid.
- (3) During the period of suspension of an attorney-at-law from practising law, no practising certificate shall be issued to him or her and any practising certificate issued to him or her prior to such suspension ceases to be valid for the period of that suspension.

### **30. EXPIRATION OF SUSPENSION TO BE NOTED ON ROLL**

Upon the termination of the suspension of an attorney-at-law from practising law, the Registrar shall cause a notice of the termination of the suspension to be entered in the Roll against the name of the attorney-at-law, and cause a notice thereof to be published in the Gazette.

#### *Restoration of name to Roll and termination of suspension*

### **31. APPLICATION TO HIGH COURT**

An attorney-at-law whose name has been removed from the Roll under section 29 may by petition apply to the High Court to have his or her name restored to the Roll or the order of his or her suspension set aside or terminated.

### **32. PROCEDURE ON APPLICATION**

- (1) On the hearing of an application made under section 31, the High Court may refer it to the Committee for a report, and may, if satisfied that the applicant is a fit and proper person to practise law, order that his or her name be restored to the Roll or that the order suspending him or her from practising law be withdrawn.
- (2) Any order made by the High Court under this section restoring the name of an attorney-at-law or terminating the suspension of an attorney-at-law shall be published in the Gazette by the Registrar.
- (3) Upon the publication in the Gazette of an order made under subsection (2) and on the payment of any fee prescribed under section 60(c), the Registrar shall make an appropriate entry on

the Roll of the date and effect of the order, and where appropriate restore the name of the attorney-at-law to the Roll.

- (4) An appeal lies to the Court of Appeal from an order of the High Court refusing an application made under section 31.

## **PART 4**

### **PROFESSIONAL PRACTICE AND CONDUCT**

#### *Accounts*

#### **33. POWER TO MAKE RULES AS TO ACCOUNTS**

The Council may make rules with respect to the keeping and operating of accounts of client's money by attorneys-at-law and without prejudice to the generality of the foregoing such rules may—

- (a) prescribe the type of client's accounts to be kept, the manner of operating them, the particulars to be recorded and the manner of recording them;
- (b) empower the Council generally to take such action as may be necessary to enable it to ascertain whether the rules are being complied with.

#### **34. COUNCIL'S CONTROL OF ACCOUNTS IN CERTAIN CIRCUMSTANCES**

- (1) In order to protect clients against loss of money or property held on their behalf by attorneys-at-law, the Council shall have power, upon an order of a judge of the Court, to control the keeping and distribution of money held by a banker in any client's account of an attorney-at-law.
- (2) Subject to rules of court, a judge of the Court, if he or she thinks it necessary or expedient in the interests of the clients to do so, may make an order under subsection (1) where—
  - (a) the judge after due inquiry is satisfied that an attorney-at-law or his or her servant or agent commits fraud or improper conduct with respect to a client's money or property;
  - (b) after the death of the attorney-at-law concerned if the attorney-at-law immediately before his or her death was

practising as an attorney-at-law on his or her own account and not in partnership with another attorney-at-law.

### *Discipline*

## **35. RULES TO GOVERN PROFESSIONAL PRACTICE**

- (1) The rules contained in the Code of Ethics set out in Schedule 3 shall regulate the professional practice, etiquette, conduct and discipline of attorneys-at-law.
- (2) A breach of the rules in—
  - (a) Part A of the Code of Ethics may constitute professional misconduct;
  - (b) Part B of the Code of Ethics shall constitute professional misconduct.
- (3) Where no provision is made by the rules in respect of any matter, the rules and practice of the legal profession which before the commencement of this Act govern the particular matter shall apply in so far as is practicable.
- (4) The Council, in consultation with the Attorney General and with the approval of the Chief Justice may amend Schedule 3.
- (5) An attorney-at-law whose name is entered on the Roll shall be deemed to have notice of the provisions of the Code of Ethics.

### *Disciplinary committee and proceedings*

## **36. DISCIPLINARY COMMITTEE**

- (1) A disciplinary committee (in this Act referred to as “the Committee”) is established for the purpose of dealing with complaints against attorneys-at-law.
- (2) The Registrar, or where he or she so deputises a Deputy Registrar, shall perform the duties of Secretary to the Committee.
- (3) The provisions of Schedule 4 and 5 shall have effect in relation to the constitution of the Committee and other matters relating to it.



- (4) Expenses incurred by the Committee in the discharge of its functions shall be met from subscriptions paid to the Bar Association.
- (5) The Committee shall have the power to discipline, in accordance with this Act, all attorneys-at-law registered on the Roll.

*(Amended by Act 18 of 2001)*

### **37. COMPLAINTS TO COMMITTEE**

- (1) A client or, by leave of the Committee, any other person alleging to be aggrieved by an act of professional misconduct (including any default) committed by an attorney-at-law, other than the Attorney General or a law officer, may apply to the Committee to require the attorney-at-law to answer allegations.
- (2) The Registrar or any member of the Committee may make a like application to the Committee in respect of allegations concerning any professional misconduct or any such criminal offence as may for the purposes of this section be prescribed by the Council, in consultation with the Attorney General and with the approval of the Chief Justice.
- (3) In any matter or hearing before any court, where the court considers that any act of professional misconduct or any criminal offence prescribed under subsection (2) has been committed by an attorney-at-law other than the Attorney General or a law officer, the court may refer the matter to the Committee.
- (4) Nothing in this section prevents a person complaining against an attorney-at-law from appearing before the district court by himself or herself or with legal representation.

### **38. DISCIPLINARY PROCEEDINGS**

- (1) Schedule 5 shall have effect in relation to disciplinary proceedings against an attorney-at-law other than the Attorney General or a law officer.
- (2) For the purposes of any application made to it under this Act, the Committee shall have the powers of the High Court to summon witnesses, call for the production of books and

documents and examine witnesses and parties concerned on oath.

- (3) Where in any proceedings before the Committee a person so conducts himself or herself that had he or she has been in proceedings before the High Court he or she would have been held in contempt, the Committee may make application to the High Court in accordance with rules made under the Supreme Court Order for an order of committal.
- (4) The conviction of an attorney-at-law of a criminal offence may, for the purposes of disciplinary proceedings against that attorney-at-law, be accepted by the Committee as proof of the attorney-at-law having committed the offence.

### **39. POWERS OF COMMITTEE**

- (1) On the hearing of an application under this Part, the Committee may—
  - (a) dismiss the application;
  - (b) impose on the attorney-at-law to whom the application relates, such fine as it thinks proper; or
  - (c) reprimand the attorney-at-law to whom the application relates; and
  - (d) make such order as to costs as it thinks fit, and in addition, except where the application is dismissed, the Committee may order the attorney-at-law to pay the applicant or person aggrieved such sum by way of compensation and reimbursement and such further sum in respect of expenses incidental to the hearing of the application and the consideration of the report as it thinks fit.
- (2) The removal from the Roll of the name of an attorney-at-law shall not be a bar to the continuation of the hearing and determination of an application.
- (3) Where the Committee is of the opinion that a case has been made out which justifies punishment more severe than may be imposed by it under this section such as suspension from practice or removal from the Roll, the Committee shall refer the matter to the High Court for determination by a single judge in chambers.

- (4) A decision or an order made under this section shall be drawn up, settled and signed by the Registrar who shall keep a written record of any such decision or order.
- (5) Where an attorney-at-law is ordered by the Committee to pay compensation or to make reimbursement to an applicant or other aggrieved person, any compensation or reimbursement shall be taken into account in the assessment of damages recoverable against the attorney-at-law in any civil proceedings brought against him or her by the applicant or other aggrieved person in respect of any act of default which was the subject matter of the application which gave rise to the order by the Committee.

#### **40. APPEAL FROM COMMITTEE**

- (1) A commission to be known as the Appeals (Professional Misconduct) Commission is hereby established.
- (2) The Appeals Commission shall consist of the following members who shall be appointed by the Attorney General—
  - (a) one arbiter who shall be nominated by the Attorney General;
  - (b) one arbiter who shall be nominated by the Bar Association;
  - (c) two arbiters who shall not be attorneys-at-law and who shall represent the public interest, be of good standing in the community and be nominated by the Governor General; and
  - (d) one arbiter who shall be the chairperson nominated by the Chief Justice and who shall be an attorney-at-law of at least 15 years standing.
- (3) The Appeals Commission shall regulate its own procedure.
- (4) The remuneration of the arbiters of the Appeals Commission shall be as set out in the Regulations.
- (5) Any expenses incurred by the Appeals Commission under this Act shall, subject to approval by the Attorney General, be charged to the Consolidated Fund.
- (6) The quorum for a sitting of the Appeals Commission shall be 3 including the chairperson and the Commission shall sit at such

times as are necessary for the settlement of the dispute or complaint.

- (7) An attorney-at-law or any other person aggrieved by a decision given or penalty imposed by the Committee may appeal against that decision or penalty to the Appeals Commission.
- (8) Upon hearing an appeal under this section, the Appeals Commission may affirm or set aside the decision or penalty appealed against, or may substitute any other decision or penalty which the Committee could have made or imposed, or remit the matter to the Committee for a rehearing.
- (9) An appeal from the decision of the Appeals Commission under this Act lies to the Court of Appeal.

#### **41. DISCIPLINARY PROCEEDINGS BY HIGH COURT**

- (1) Without prejudice to any other rule of law or to any rule of practice whereby the High Court is empowered to take disciplinary action against a person admitted to practise as an attorney-at-law, the High Court has the power to take disciplinary action in accordance with rules of court made for the purpose under section 17 of the Supreme Court Order with respect to professional conduct against an attorney-at-law and in particular the High Court may make any of the following orders—
  - (a) an order removing from the Roll the name of the attorney-at-law against whom disciplinary proceedings have been instituted;
  - (b) an order suspending the attorney-at-law from practice for such time as the High Court deems fit;
  - (c) such order as to costs, as regards both the proceedings before it and the proceedings before the Committee as the High Court deems fit;
  - (d) such further or other order as the circumstances of the case may require.
- (2) The attorney-at-law whose professional conduct is the subject of any disciplinary proceedings before the High Court is entitled as of right to appeal to the Court of Appeal from any decision or other determination of the High Court in such proceedings.

**42. SAVING OF JURISDICTION OF COURTS**

Despite anything in this Act, the jurisdiction, power and authority vested in any court immediately before the commencement of this Act—

- (a) by the common law with respect to the discipline of; or
- (b) by any written law to deal with contempt of court committed by,

barristers, solicitors or attorneys-at-law shall continue to be exercisable after such commencement in relation to attorneys-at-law.

*Other Disciplinary Offences***43. ATTORNEYS-AT-LAW NOT TO ACT AS AGENT FOR UNQUALIFIED PERSON**

- (1) An attorney-at-law shall not—
  - (a) act as an agent in any action or in any matter in bankruptcy or in relation to any business which can only be transacted by a person with legal qualifications, for any unqualified person;
  - (b) permit his or her name to be made use of in any such action, or matter upon the account or for the profit of any unqualified person;
  - (c) send any process to any unqualified person; or
  - (d) do any other act enabling any unqualified person to appear, act or practise in any respect as an attorney-at-law in any such action or matter.
- (2) Where it appears to the Committee that an attorney-at-law has acted in contravention of this section the Committee shall make an application to the High Court for his or her name to be struck off the Roll and the High Court if satisfied may grant the application.

**44. ATTORNEY-AT-LAW NOT TO COMMENCE OR DEFEND ACTIONS WHILST IN PRISON**

- (1) An attorney-at-law whilst a prisoner in any prison shall not act as an attorney-at-law, in his or her own name or in the name of

any other attorney-at-law, issue any writ or process, or commence, prosecute or defend any action or any matter in bankruptcy.

- (2) An attorney-at-law commencing, prosecuting or defending any action, or matter in contravention of this section shall be incapable of maintaining any action for the recovery of any costs in respect of any business done by him or her whilst so confined as described in subsection (1), and the attorney-at-law and any attorney-at-law permitting him or her to commence, prosecute or defend any such action or matter in his or her name commits professional misconduct and upon being found guilty in disciplinary proceedings by the Committee is liable to any punishment which the Committee may impose under section 39.

#### **45. EMPLOYMENT OF PERSON SUSPENDED FROM PRACTICE**

- (1) An attorney-at-law shall not in connection with his or her practice, employ or remunerate any person who to his or her knowledge is suspended from practice, during the period of such suspension, or whose name has been removed from the Roll otherwise than at his or her own request.
- (2) An attorney-at-law who contravenes subsection (1) commits professional misconduct and upon being found guilty in disciplinary proceedings by the Committee is liable to any punishment which the Committee may impose under section 39.

#### *General Offences*

#### **46. UNQUALIFIED PERSON ACTING THROUGH ATTORNEY-AT-LAW**

Where the High Court orders the name of an attorney-at-law to be struck off the Roll under section 43, the unqualified person who was enabled by the conduct of the offender to act or practise as an attorney-at-law commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for one year.

**47. UNLAWFUL PRACTICE AND SIMILAR OFFENCES**

- (1) Subject to this Act, if a person whose name is not registered on the Roll or who is suspended from practising law—
  - (a) practises law;
  - (b) wilfully pretends to be an attorney-at-law; or
  - (c) makes use of any name, title or description implying that, the person is entitled to be recognised or to act as an attorney-at-law,he or she commits an offence and is liable on summary conviction to a fine of \$10,000 and to imprisonment for 2 years.
- (2) A person who, not being entitled to act as an attorney-at-law, acts in any respect as an attorney-at-law in any action or matter or in any court in the name or through the agency of an attorney-at-law entitled so to act commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for 2 years.
- (3) This section does not extend to—
  - (a) a public officer or an officer of a statutory board—
    - (i) drawing up or preparing instruments, or
    - (ii) appearing for the informant, complainant or plaintiff in a district court,in the course of his or her duty;
  - (b) a person employed merely to engross any instrument or proceeding; or
  - (c) a person drawing or preparing—
    - (i) a will or other testamentary instrument,
    - (ii) an agreement under hand only,
    - (iii) a letter or power of attorney,
    - (iv) a transfer of stock containing no trust or limitation thereof.
- (4) Despite section 671 of the Criminal Code, an information for an offence under this section may be laid at any time within 2 years after the commission of the offence or within 6 months after the first discovery thereof by the informant.

#### 48. UNAUTHORISED PERSON SEEKING EMPLOYMENT

If a person while suspended from practising law, or whose name has been removed from the Roll otherwise than at his or her own request seeks or accepts employment from an attorney-at-law in connection with the practice of that attorney-at-law, without previously informing the attorney-at-law in writing of the suspension or removal from the Roll, that person commits an offence and is liable on summary conviction to a fine of \$5,000 and to imprisonment for one year.

### PART 5 REMUNERATION

#### *General*

#### 49. INTERPRETATION OF THIS PART

In this Part—

“**attorney-at-law**” includes the executors, administrators and assignees of an attorney-at-law;

“**costs**” includes fees for any legal business done by an attorney-at-law;

“**person chargeable**” in relation to any attorney-at-law's bill of costs, includes any person who has paid or is liable to pay the bill either to the attorney-at-law or to any other person chargeable with the bill;

“**taxing officer**” means in relation to the High Court or any Court of Record, the Registrar of that court.

#### 50. PAYMENTS IN ADVANCE AND ACCOUNTABILITY

- (1) An attorney-at-law who receives in advance from or on behalf of a client any money to cover prospective costs, other than a retainer, or as security for future costs shall, on the written demand of the client made at any time after the expiration of 3 months from the receipt of the money or at any subsequent time during any period which is at least 3 months from the date of the last such demand, deliver to the client a statement in writing showing—



- (a) the amounts of money so received up to the date of the statement;
  - (b) the dates when they were so received, and
  - (c) the purposes for which they or so much of them as has been expended have been applied.
- (2) If a client fails to obtain such a statement as is mentioned in subsection (1) after having made a demand therefore in accordance with that subsection, the client may apply to the Committee or a judge in chambers for an order requiring the attorney-at-law to deliver the statement, and the Committee or the judge may on the making of that order give such other directions as the Committee or the judge thinks fit.

### *Recovery of Costs*

## **51. NO ACTION ON BILLS OF COSTS WITHOUT TAXATION**

- (1) Subject to this section an attorney-at-law shall not commence any suit for the recovery from his or her client of the amount of any bill of costs for any legal business done by him or her unless the bill of costs is taxed and a copy thereof so taxed is served on the client with a demand in writing for payment 15 days before the filing of the suit.
- (2) The High Court may on the application of an attorney-at-law authorise him or her to commence or proceed with a suit for the recovery of any costs before the expiration of 15 days from the delivery of the copy of the bill of costs required by subsection (1) if it is satisfied that there is reasonable cause for believing that the person chargeable with the costs is about—
  - (a) to leave Saint Lucia;
  - (b) to become bankrupt; or
  - (c) to do any other act which would tend to prevent or delay the attorney-at-law from obtaining payment.
- (3) If in any proceedings before a court—
  - (a) the amount set out in a bill of costs is—
    - (i) sought to be recovered; or
    - (ii) disputed; and

- (b) the bill or part thereof relates to matters in respect of which no scale of fees is prescribed;

the court shall decide whether the fees set out in respect of those matters are fair and reasonable having regard to the work done or are excessive and may allow or reduce them accordingly.

- (4) It shall not be necessary in the first instance for an attorney-at-law in proving compliance with this section to prove the contents of the bill served, and it shall be sufficient to prove that the bill—
  - (a) signed by the attorney-at-law or, in the case of a partnership, by any one of the partners either in his or her own name or in the name of the partnership; or
  - (b) being enclosed in or accompanied by a letter signed in the manner specified in paragraph (a) referring to the bill,was duly served.

## 52. RULES AS TO COSTS FOR NON-CONTENTIOUS BUSINESS

- (1) The Bar Association may, with the approval of the Chief Justice, make rules prescribing and regulating the remuneration of attorneys-at-law in respect of non-contentious business.
- (2) Rules made under this section may—
  - (a) regulate the amount of remuneration with reference to—
    - (i) the position of the person for whom the attorney-at-law is concerned in the business, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee or the like,
    - (ii) the place where and the circumstances in which the business or any part thereof is transacted,
    - (iii) the amount of the capital money or rent to which the business relates,
    - (iv) the skill, labour and responsibility involved in the business on the part of the attorney-at-law,
    - (v) the number and importance of documents prepared or perused without regard to length; or
  - (b) authorise and regulate—

- (i) the taking by an attorney-at-law from his or her client of security for payment of any remuneration to be ascertained by taxation or otherwise, which may become due to him or her, and
  - (ii) the allowance of interest.
- (3) So long as rules made under this section are in force, taxation of bills of costs of attorneys-at-law in respect of non-contentious business shall be regulated by those rules.

### **53. AGREEMENT FOR REMUNERATION FOR NON-CONTENTIOUS BUSINESS**

- (1) Whether any rules are made under section 52 or not, an attorney-at-law and his or her client may either before or after or in the course of the transaction of any non-contentious business by the attorney-at-law, make an agreement as to the remuneration of the attorney-at-law in respect of the transaction.
- (2) An agreement made by virtue of subsection (1) may provide for the remuneration of the attorney-at-law by a gross sum, or by commission or by percentage, or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration stipulated in the agreement shall not include all or any disbursements made by the attorney-at-law in respect of searches, plans, traveling, stamps, fees or other matters.
- (3) An agreement made by virtue of subsection (1) shall be in writing and signed by the person to be bound or by that person's agent.
- (4) An agreement made by virtue of subsection (1) may be sued and recovered on or set aside in the same manner and on the same grounds as an agreement not relating to the remuneration of an attorney-at-law; but if on any taxation of costs the agreement is relied on by the attorney-at-law and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the Court, and if on that certificate it appears just to the Court that the agreement should be cancelled, or the amount payable under it reduced, the Court may order the agreement to be cancelled, or the amount payable under it to be reduced, and may give consequential directions as the Court may think fit.

## PART 6 NOTARIES

### 54. ATTORNEY AS A NOTARY

An attorney-at-law to whom a practising certificate has been issued may perform the functions of a notary which functions shall include all matters relative or pertinent or incidental to the preparation and execution of any notarial document and any other function performed by a notary.

### 55. DISPOSAL OF ORIGINAL DEEDS

- (1) A notary may, by deed made during his or her lifetime, or by his or her last will, transfer or transmit to any other notary approved by the judge all original deeds executed before him or her, or which are in his or her custody or possession.
- (2) Where a notary becomes incapacitated, the judge may direct that the original deeds in his or her possession be deposited in the office of the Registrar, or may make such further or other order respecting the disposal thereof as may be for the benefit of the notary in whose custody they are.
- (3) Where an attorney-at-law is suspended or removed from office, the original deeds in his or her possession as a notary shall, unless otherwise ordered, be deposited in the office of the Registrar.

### 56. DISPOSAL OF ORIGINAL DEEDS OF DECEASED NOTARY

- (1) Where a notary dies without having disposed of his or her deeds or where for any reason such disposition has become inoperative, the judge shall appoint some other notary to act as curator of such deeds, until their disposition can be finally effected.
- (2) The heirs or legal representatives of a deceased notary may sell or otherwise dispose of or deliver to a notary approved by the judge, all the original deeds executed before such notary, or which were in the custody or possession of such notary at the time of his or her death; and in such a case such deeds shall

become the property of the notary to whom they are so sold or disposed of and delivered.

- (3) If such deeds are not so sold or disposed of and delivered within a period of 6 months from the death of the deceased notary the said heirs or legal representatives shall deposit all such deeds in the office of the Registrar unless the judge otherwise orders.
- (4) Where original deeds have been deposited at the office of the Registrar under the provisions of this Act, ½ of the fees payable in respect of copies of such deeds shall, unless otherwise ordered, be paid to or for the benefit of the notary to whom they belong, or to the legal representatives of the deceased notary in whose custody they were, as the case may be.

#### **57. TEMPORARY ABSENCE OF NOTARY**

Where a notary is desirous of absenting himself or herself temporarily from the performance of his or her duties, he or she shall delegate the performance of such duties to some other notary approved by the judge.

#### **58. CERTIFYING OF COPIES OF DEEDS EXECUTED BEFORE OTHER NOTARY**

A notary who has the custody or possession of any original deeds or minutes executed before or deposited with any former notary shall be deemed the lawful custodian thereof and shall have the same power and authority to certify any copy of or extract from such deeds or minutes as the notary before whom the same were executed or with whom the same were deposited, and the Registrar shall have the like power in the like case.

#### **59. COMPLETION OF WORK LEFT UNDONE BY NOTARY**

- (1) Where a notary dies or becomes for any reason unable to perform the duties of his or her office, and leaves any notarial work commenced but not completed, such work may be continued and completed by any other notary approved by the judge, in the same manner as it might have been continued and completed by such first-mentioned notary.

- (2) The provisions of this part shall apply only if the notary is not in a partnership with any other notary in which case all notarial deeds shall become the property of the Firm.

## **PART 7 MISCELLANEOUS PROVISIONS**

### **60. POWER TO MAKE RULES OF COURT**

Rules may be made under the Supreme Court Order prescribing—

- (a) the form of the Roll and the manner in which it is to be kept;
- (b) the practice and procedure to be followed in relation to applications for admission to practise in Saint Lucia and to appeals under sections 17 and 32;
- (c) the fees to be paid by an attorney-at-law for the restoration of his or her name to the Roll under section 32;
- (d) the mode of exercise of the power conferred by section 34(1) on the Council to control the keeping and distribution of money held by a banker in any client's account of an attorney-at-law;
- (e) the circumstances and manner in which the High Court may make an order under section 34(1);
- (f) the practice and procedure to be followed in relation to applications to the Court of Appeal under this Act.

### **61. INSURANCE OR OTHER PROVISION FOR PROFESSIONAL NEGLIGENCE**

An attorney-at-law, except a law officer, shall not practice as an attorney-at-law unless that attorney-at-law has—

- (a) secured insurance in an amount specified by the Council with an insurance company approved by the Council; or
- (b) otherwise made provision satisfactory to the Council,

for professional negligence.

*(Substituted by Act 18 of 2001)*

**62. PENDING APPLICATIONS FOR ADMISSION**

Any application pending on the date of commencement of this Act for admission to the Bar of Saint Lucia shall be dealt with as if it were an application under section 15 or 16 for admission as an attorney-at-law and for this purpose shall be read with all necessary adaptations.

**63. PENDING DISCIPLINARY PROCEEDINGS**

Any disciplinary proceedings pending at the date of commencement of this Act, shall be dealt with as if they were proceedings under section 37, and for this purpose all documents forming part of the record of the proceedings shall be read with all necessary adaptations.

**64. REFERENCES TO “BARRISTERS” OR TO “SOLICITORS”**

A reference to a barrister or to a solicitor in any written law or in any document having legal effect shall be construed in its application after the commencement of this Act, to include a reference to an attorney-at-law.

**65. PERIOD OF QUALIFICATIONS AS AN ATTORNEY-AT-LAW**

For the purposes of any law whereby the qualifications of any person, whether for an office or otherwise, depends upon that person having been an attorney-at-law for a specified period, the number of years during which that person was previously a barrister or a solicitor shall be treated as part of the period.

**66. SAVING OF ENACTMENTS RESTRICTING NON-CITIZENS**

Nothing in this Act affects any enactment relating to the placing of restrictions on any person, not being a citizen of Saint Lucia, entering, leaving, residing, or working in Saint Lucia.

**67. REGULATIONS**

The Attorney General may make regulations for the purposes of giving effect to the provisions of this Act.

**SCHEDULE 1**

(Section 18)

**OATH**

“I ..... do swear that I will truly and honestly conduct myself in the practice of law as an attorney-at-law according to the best of my knowledge and ability and the Laws of Saint Lucia”.

**SCHEDULE 2**

(Section 19(1))

**FORM 1**

**LEGAL PROFESSION ACT**

**Certificate of Enrolment**

It is hereby certified that ..... is registered on the Roll of attorneys-at-law under section 19 of the Legal Profession Act\* his or her name having been entered on the Roll.

Dated this ..... day of ..... , .....

*Registrar of the High Court*

\* *Delete as appropriate.*

(Section 23(3))

**FORM 2**

**LEGAL PROFESSION ACT**



**Practicing Certificate**

Under the Legal Profession Act it is hereby certified that ..... whose name is registered on the Roll of attorneys-at-law is entitled to practise as an attorney-at-law.

Dated this ..... day of ..... , .....

*Registrar of the High Court*

**FORM 3**

(Section 26(3))

**THE LEGAL PROFESSION ACT**

**Law Officers Certificate**

It is hereby certified that ..... is a law officer holding the office of ..... in the Public Service and appointed by the ..... [*the appropriate authority*].

Dated this ..... day of ..... , .....

*Attorney General*

*(Amended by Act 18 of 2001)*

**SCHEDULE 3**

(Section 35)

**PART A**

**Code of Ethics**

**GENERAL GUIDELINES**

**I. IN RELATION TO THE PROFESSION AND ONESELF**

1. An attorney-at-law shall observe the rules of this Code, maintain his or her integrity and the honour and dignity of the legal profession and encourage other attorneys-at-law to act similarly both in the practice of his or her profession and in his or her private life, shall refrain from conduct which is detrimental to the profession or which may tend to discredit it.
2. An attorney-at-law shall expose without fear or favour before the proper tribunals unprofessional or dishonest conduct by any other attorneys-at-law and shall not lightly refuse a retainer against another attorney-at-law who is alleged to have wronged his or her client or committed any other act of professional misconduct.
3.
  - (1) An attorney-at-law shall scrupulously preserve his or her independence in the discharge of his or her professional duties.
  - (2) An attorney-at-law practising on his or her own account or in partnership, shall not engage in any other business or occupation if doing so may cause him or her to cease to be independent.
4. An attorney-at-law shall protect the profession against the admission into it of any candidate whose moral character or education renders him or her unfit for such admission.
5.
  - (1) An attorney-at-law shall not endeavour by direct or indirect means to attract the clients of another attorney-at-law and where a client is referred to him or her by another attorney-at-law the client remains for all other purposes the client of the referring attorney-at-law and the attorney-at-law to whom the client is referred shall act with due deference to the relationship between the client and the referring attorney-at-law.
  - (2) Where a referred client offers other work to the attorney-at-law to whom he or she is referred and the offer is sufficiently proximate to the referral, that attorney-at-law shall not accept that offer unless it has been brought to the attention of the referring attorney-at-law.
6. An attorney-at-law may speak in public or write for publication on legal topics so long as he or she does not thereby advertise his or her own professional competence and is not likely to be

regarded as being concerned thereby with the giving of the individual advice.

7. The best advertisement for an attorney-at-law is the establishment of a well merited reputation for personal integrity, capacity, dedication to work, fidelity and trust and it is unprofessional—
  - (a) to solicit business by circulars or advertisements or interviews not warranted by personal relations; or
  - (b) to seek retainers through agents of any kind.
8. An attorney-at-law shall defend the interests of his or her client without fear of judicial disfavour or public unpopularity and without regard to unpleasant consequences to himself or herself or to any other person.
9. Subject to paragraph 17, an attorney-at-law is not obliged to act either as adviser or advocate for every person who may wish to become his or her client; he or she has a right to decline employment.
10. A client is not entitled to receive nor should any attorney-at-law render, any service or advice involving disloyalty to the State or disrespect for judicial office or the corruption of any persons exercising a public or private trust or deception or betrayal of the public.
11. An attorney-at-law should bear in mind that the oath of office taken on his or her admission to practise is not a mere form but is a solemn undertaking to be strictly observed on his or her part.
12. An attorney-at-law should also bear in mind that he or she can only maintain the high traditions of his or her profession by being a person of high integrity and dignity.

## **II. IN RELATION TO THE STATE AND THE PUBLIC**

13. An attorney-at-law owes a duty to the State to maintain its integrity, its Constitution and its laws and not to aid, abet, counsel or assist anyone to act in any way contrary to those laws.
14. When engaged as a public prosecutor the primary duty of an attorney-at-law is not to secure a conviction but to see that

justice is done and to that end he or she shall not withhold facts tending to prove either the guilt or innocence of the accused.

15. An attorney-at-law shall endeavour by lawful means where the needs of society require, to promote and encourage the modernisation, simplification and reform of the laws.
16. An attorney-at-law shall not by his or her actions, stir up strife or litigation by seeking out defects in titles, claims for personal injury or other causes of action for the purpose of securing a retainer to prosecute a claim therefor; or pay or reward any person directly or indirectly for the purpose of procuring him or her to be retained in his or her professional capacity, and where it is in the interest of his or her client he or she shall seek to obtain reasonable settlements of disputes.
17. An attorney-at-law shall not except for good reasons refuse his or her services in capital offences.
18. An attorney-at-law shall not be deterred from accepting proffered employment owing to the fear or dislike or incurring disapproval of officials, other attorneys-at-law or members of the public.
19. An attorney-at-law in undertaking the defense of persons accused of crime shall use all fair and reasonable means to present every defense available at law.

### III. IN RELATION TO CLIENTS

20. (1) An attorney-at-law shall always act in the best interests of his or her clients, represent him or her honestly, competently and zealously and endeavour by all fair and honourable means to obtain for the client any and every remedy and defence which is authorised by law, steadfastly bearing in mind that the duties and responsibilities of the attorney-at-law are to be carried out within and not without the bounds of the law.
  - (2) The interests of his or her client and the exigencies of the administration of justice should always be the first concern of an attorney-at-law and rank before his or her right to compensation for his or her services.
21. (1) Before advising on a client's cause an attorney-at-law should obtain full knowledge thereof and give a candid

- opinion of the merits or demerits and probable results of pending or contemplated litigation.
- (2) An attorney-at-law should beware of proffering bold and confident assurances to his or her client (especially where employment may depend on such assurances) always bearing in mind that seldom are all the law and facts on the side of his or her client and that “*audi alteram partem*” is the safest rule to follow.
  - (3) Whenever the controversy admits of fair adjustment an attorney-at-law should inform his or her client accordingly and advise him or her to avoid or settle litigation.
- 22.** (1) An attorney-at-law shall at the time of retainer disclose to his or her client all the circumstances of his or her relations to the parties and his or her interest in or connection with the controversy (if any) which might influence the client in his or her selection of an attorney-at-law.
- (2) An attorney-at-law shall scrupulously guard and never divulge his or her client's secrets and confidences.
- 23.** An attorney-at-law shall treat adverse witnesses, litigants and other attorneys-at-law with fairness and courtesy refraining from all offensive personal references and shall avoid imparting to his or her professional duties his or her client's personal feelings and prejudices.
- 24.** It is the right of an attorney-at-law to undertake the defense of a person accused of crime regardless of his or her own personal opinion as to the guilt of the accused and having undertaken such defense he or she is bound by all fair and honourable means to present every defense that the law of the land permits so that no person may be deprived of life or liberty except by due process of law.
- 25.** (1) An attorney-at-law may represent multiple clients only if he or she can adequately represent the interests of each and if each consents to such representation after full disclosure of the possible effects of multiple representation.

- (2) In all situations where a possible conflict of interest arises, an attorney-at-law shall resolve all conflicts by leaning against multiple representation.
- 26.** (1) An attorney-at-law shall deal with his or her client's business with all due expedition and shall whenever reasonably so required by the client provide him or her with full information as to the progress of the client's business.
- (2) It is improper for an attorney-at-law to accept a case unless he or she can handle it without undue delay.
- 27.** Where an attorney-at-law determines that the interest of his or her client requires it, he or she may with the specific or general consent of the client refer his or her business or part of it to another attorney-at-law whether or not a member of his or her own firm.
- 28.** (1) A Queen's Counsel shall be entitled to accept instructions, appear or do any work without a junior, except where he or she would be unable properly to carry out his or her instructions or conduct his or her case if he or she were to do so.
- (2) Where more than one attorney-at-law appears as advocate for the same party in the same proceedings, who shall lead the conduct of that party's case shall, subject to the instructions of the client be settled by the attorneys-at-law representing that party before they appear in court and shall not be altered during the course of the proceedings and the leader shall have all authority over the conduct of the case.
- 29.** An attorney-at-law including a Queen's Counsel who appears with the leader is entitled to negotiate a fee appropriate for his or her conduct of the case.
- 30.** (1) An attorney-at-law is entitled to reasonable compensation for his or her services but should avoid charges which either overestimate or undervalue the service rendered.
- (2) The ability of a client to pay cannot justify a charge in excess of the value of the service rendered, though the client's indigence may require a charge that is below such value, or even no charge at all.

- (3) An attorney-at-law should avoid controversies with clients regarding compensation for his or her services as far as is compatible with self-respect and his or her right to receive reasonable compensation for his or her services.
- 31.** The right of an attorney-at-law to ask for a deposit or to demand payment of out-of-pocket expenses and commitments, failing payment of which he or she may withdraw from the case or refuse to handle it, shall not be exercised where the client may be unable to find other assistance in time to prevent irreparable damage being done.
- 32.** Where an attorney-at-law engages a foreign colleague to advise on a case or to co-operate in handling it, he or she is responsible for the payment of the latter's charges except there is express agreement to the contrary, but where an attorney-at-law directs a client to a foreign colleague he or she is not responsible for the payment of the latter's charges, nor is he or she entitled to a share of the fee of his or her foreign colleague.
- 33.** Subject to paragraph 15 of Part B, an attorney-at-law may at any time withdraw from employment—
- (a) where the client fails, refuses, or neglects to carry out an agreement with, or his or her obligation to, the attorney-at-law as regards the expenses or fees payable by the client;
  - (b) where his or her inability to work with colleagues indicates that the best interest of the client is likely to be served by his or her withdrawal;
  - (c) where his or her client freely assents to the termination of his or her employment;
  - (d) where by reasons of his or her mental or physical condition or other good and compelling reason it is difficult for him or her to carry out his or her employment effectively; or
  - (e) in cases of conflict as contemplated in paragraph 25 of this Part or paragraph 11 of Part B hereof.
- 34.** (1) An attorney-at-law should not appear as a witness for his or her own client except as to merely formal matters or where such appearance is essential to the ends of justice.

- (2) If an attorney-at-law is a necessary witness for his or her client with respect to matters other than such as are merely formal, he or she should entrust the conduct of the case to another attorney-at-law of his or her client's choice.

#### IV. IN RELATION TO THE COURTS AND THE ADMINISTRATION OF JUSTICE

35. (1) An attorney-at-law shall maintain a respectful attitude towards the Court and shall not engage in undignified or discourteous conduct which is degrading to the Court.
  - (2) An attorney-at-law shall encourage respect for the courts and the judges.
  - (3) An attorney-at-law shall support judges and magistrates against unjust criticisms.
  - (4) Where there is ground for complaint against a judge or magistrate an attorney-at-law may make representation to the proper authorities and in such cases, the attorney-at-law shall be protected.
36. An attorney-at-law shall endeavour always to maintain his or her position as an advocate and shall not either in argument to the court or in address to the jury assert his or her personal belief in his or her client's innocence or in the justice of his or her cause or his or her personal knowledge as to any of the facts involved in the matter under investigation.
37. An attorney-at-law should never ask privately to influence directly or indirectly the judges of the Court in his or her favour or in the favour of his or her client, nor should he or she attempt to curry favour with juries by fawning, flattery or pretended solicitude for their personal comfort.
38. An attorney-at-law shall be punctual in attendance before the Court and concise and direct in the trial and disposition of causes.
39. An attorney-at-law appearing before the Court shall at all times be attired in such a manner as prescribed or agreed by the proper authorities and as befits the dignity of the Court.



**V. IN RELATION TO HIS OR HER FELLOW ATTORNEYS-AT-LAW**

- 40.** (1) The conduct of an attorney-at-law towards his or her fellow attorneys shall be characterised by courtesy, fairness and good faith and he or she shall not permit ill-feeling between clients to affect his or her relationship with his or her colleagues.
- (2) All personal conflicts between attorneys-at-law should be scrupulously avoided as should also colloquies between them which cause delay and promote unseemly wrangling.
- 41.** (1) An attorney-at-law shall reply promptly to letters from other attorneys-at-law making inquiries on behalf of their clients.
- (2) An attorney-at-law shall endeavour as far as is reasonable to suit the convenience of the opposing attorney-at-law when the interest of his or her client or the cause of justice will not be injured by so doing.
- 42.** An attorney-at-law shall not give a professional undertaking that he or she cannot fulfil, and he or she shall fulfil every such undertaking that he or she gives.
- 43.** (1) There is a duty on every attorney-at-law to report improper or unprofessional conduct by a colleague to the Committee, except where the information relating to the improper or unprofessional conduct is received in professional confidence in which case he or she must respect the duty of silence imposed in such circumstances.
- (2) An attorney-at-law shall expose without fear or favour before the proper tribunal unprofessional or dishonest conduct by another attorney-at-law and shall not lightly refuse a retainer against another attorney-at-law who is alleged to have wronged a client.
- 44.** Where an attorney-at-law has been sent money, documents or other things by a colleague which, at the time of sending, are expressed to be sent only on the basis that the attorney-at-law to whom they are sent will receive them on his or her undertaking to do or refrain from doing some act, the receiving attorney-at-law shall return whatever was sent if he or she is unable to accept them on such undertaking, otherwise he or she must comply with the undertaking.

45. An attorney-at-law shall not in any way communicate upon a subject in controversy or attempt to negotiate or compromise a matter directly with any party represented by another attorney-at-law except through such other attorney-at-law or with his or her proper consent.
46.
  - (1) An attorney-at-law shall not ignore the customs or practices of the legal profession even when the law expressly permits it, without giving timely notice to the opposing attorney-at-law.
  - (2) An attorney-at-law should avoid all sharp practices and should refrain from taking any paltry advantage when his or her opponent has made or overlooked some technical error or matter, bearing in mind that no client has a right to demand that an attorney-at-law representing him or her shall be illiberal or shall do anything repugnant to his or her own sense of honour and propriety.
47. An attorney-at-law shall not accept instructions to act in Court proceedings in which to his or her knowledge the client has previously been represented by another attorney-at-law, unless he or she first notifies the other attorney-at-law of the change, and makes reasonable efforts to ensure that attorney has been paid for his or her services, but shall be deemed to have notified the other attorney-at-law if he or she has made reasonable efforts to notify him or her.
48. An attorney-at-law shall not accept instructions to act in proceedings (other than Court proceedings) in which to his or her knowledge, another attorney-at-law has previously represented the client unless he or she makes reasonable efforts to ascertain that the retainer of that attorney-at-law has been determined by the client, or that the client wishes both attorneys-at-law to represent him or her.
49. An attorney-at-law who instructs or employs another attorney-at-law to act on behalf of his or her client, unless otherwise agreed, shall pay the proper fee for such attorney-at-law whether or not he or she has received payment from his or her client.
50. In undertaking to render assistance to a foreign colleague, an attorney-at-law shall remember that his or her responsibility is much greater both when giving advice and handling a case, than

it would be had he or she undertaken to assist a colleague in Saint Lucia.

## **VI. GENERAL**

- 51.** Nothing in this Schedule shall be construed as derogating from any existing rules of professional conduct and duties of an attorney-at-law which are in keeping with the traditions of the legal profession although not specifically mentioned here.
- 52.** Where in any particular matter explicit ethical guidance does not exist, an attorney-at-law shall determine his or her conduct by acting in a manner that promotes public confidence in the integrity and efficiency of the legal system and the legal profession.
- 53.** (1) A person who previously held a substantive appointment as a judge of the Supreme Court shall not appear as an attorney-at-law in any court in Saint Lucia for a period of 10 years commencing on the date of his or her retirement, resignation or other termination of such appointment.
- (2) This rule shall not apply to a person who is appointed to act as a judge in a temporary capacity.
- 54.** Breach by an attorney-at-law of any of the provisions of this Part while not automatically amounting to punishable professional misconduct is a derogation from the high standards of conduct expected from an attorney-at-law and may, depending on the circumstances of the particular case, amount to such misconduct or form a material ingredient of it.

## **PART B**

### **MANDATORY PROVISIONS AND SPECIFIC PROHIBITIONS**

- 1.** An attorney-at-law shall not practise as such unless he or she has been issued a practising certificate in accordance with the provisions of this Act.
- 2.** (1) An attorney-at-law shall never knowingly mislead the Court.
- (2) An attorney-at-law shall not withhold facts or secrete witnesses in order to establish the guilt or innocence of the accused.

3. An attorney-at-law shall not hold out any person who is not qualified to practise law as a partner, associate, consultant or attorney-at-law.
4. An attorney-at-law shall not solicit business or consent to become involved in a matter unless at the request of a party to the matter.
5. An attorney-at-law shall not in the carrying on of his or her practice or otherwise permit any act or thing which is likely or is intended to attract business unfairly or can reasonably be regarded as touting or advertising.
6.
  - (1) An attorney-at-law shall not in any way make use of any form of advertisement calculated to attract clients to himself or herself or any firm with which he or she is associated and he or she shall not permit, authorise or encourage anyone to do so or reward anyone for doing so on his or her behalf.
  - (2) An attorney-at-law shall not permit his or her professional standing to be used for the purpose of advertising any particular product, service or commercial organization.
  - (3) An attorney-at-law shall not advertise for business indirectly by furnishing or inspiring newspaper comment concerning cases or causes in which an attorney-at-law has been or is connected or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the attorney-at-law's position and any similar self-laudations.
7. Despite paragraph 6(3) an attorney-at-law may permit limited and dignified identification of himself or herself as an attorney-at-law—
  - (a) in political advertisements relevant to the course of a political campaign or issue;
  - (b) in public notices where the announcement of his or her professional status is required or authorised by law, or is reasonably necessary for a purpose other than the attraction of potential clients;
  - (c) in reports and announcements of *bona fide* commercial, civic, professional or political organisations in which he or she serves as a director or officer;

- (d) in and on legal textbooks, articles, professional journals and other legal publications and in dignified and restrained advertisements thereof;
  - (e) in announcements of any public address, lecture, or publication by him or her on legal topics provided that such announcements do not emphasize his or her own professional competence and are not likely to be regarded as being concerned with the giving of individual advice by him or her.
8. An attorney-at-law may speak in public or write for publication on legal topics so long as he or she does not thereby emphasize his or her own professional competence and is not likely to be regarded as being concerned thereby with the giving of individual advice.
9. The following cards, office signs, letterheads or directory listings may be used by an attorney-at-law but in a restrained and dignified form—
- (a) a professional card identifying the attorney-at-law by name and as an attorney-at-law giving his or her decorations and degrees, legal or otherwise, his or her addresses, telephone numbers and the name of his or her law firm or professional associates so however that such cards are not published in the news media and are only handed out on request and for the purposes of identification or address;
  - (b) a brief professional announcement card to be delivered only to attorneys-at-law, clients, personal friends and relations and government bodies and stating new or changed associations or addresses, changes of firm name or like professional matters;
  - (c) a sign of a size and design compatible with the existing practice of the profession, on or near the door of the office and in the building directory identifying the law office;
  - (d) a letterhead identifying the attorney-at-law by name and as an attorney-at-law and giving his or her decorations and degrees, legal or otherwise, his or her addresses, telephone numbers and the name of his or her law firm and of his or her associates;

- (e) a listing in a telephone directory, a reputable law list, legal directory or biographical reference giving brief biographical or other relevant information; and any such professional card, office sign, letterhead or listing may state the attorney-at-law is also a notary public.
- 10.** Where an attorney-at-law commits any criminal offence which in the opinion of the Committee is of a nature likely to bring the profession into disrepute, such commission of the offence shall constitute professional misconduct if—
- (a) he or she has been convicted by any court, including a foreign court of competent jurisdiction, for the offence;
  - (b) although he or she has not been prosecuted the Committee is satisfied of the facts constituting the criminal offence; or
  - (c) he or she has been prosecuted and has been acquitted by reason of a technical defense or he or she has been convicted but such conviction is quashed by reason of some technical defense.
- 11.** An attorney-at-law shall not acquire directly or indirectly by purchase, or otherwise a financial or other interest in the subject matter of a case which he or she is conducting.
- 12.**
- (1) An attorney-at-law shall not enter into partnership or fee sharing arrangements concerning the practice of law with non-qualified bodies or persons.
  - (2) An attorney-at-law shall not enter into an agreement for or charge or collect a fee in contravention of these Rules or any other law.
- 13.**
- (1) An attorney-at-law shall not charge fees that are unfair or unreasonable.
  - (2) In determining the fairness and reasonableness of a fee the following factors may be taken into account—
    - (a) the time and labour required, the novelty and difficulty of the questions involved and the skill required to perform the legal service properly;

- (b) the likelihood that the acceptance of the particular employment will preclude other employment by the attorney-at-law;
  - (c) the fee customarily charged in the locality for similar legal services;
  - (d) the amount, if any involved;
  - (e) the time limitations imposed by the client or by the circumstances;
  - (f) the nature and length of the professional relationship with the client;
  - (g) the experience, reputation and ability of the attorney-at-law concerned;
  - (h) any scale of fees or recommended guide as to charges prescribed by law or by the Bar Association).
- (3) An attorney-at-law shall not accept any fee or reward for merely introducing a client or referring a case or client to another attorney-at-law.
  - (4) An attorney-at-law shall not charge a contingency fee except reasonable commissions on collection of liquidated claims with the prior agreement of the client.
- 14.** (1) Except with the specific approval of his or her client given after full disclosure, an attorney-at-law shall not act in any manner in which his or her professional duties and his or her personal interests conflict or are likely to conflict.
- (2) An attorney-at-law shall not accept or continue his or her retainer or employment on behalf of 2 or more clients if their interests are likely to conflict or if his or her independent professional judgment is likely to be impaired.
- 15.** (1) An attorney-at-law who withdraws from employment under paragraph 33 of Part A shall not do so until he or she has taken reasonable steps to avoid foreseeable prejudice or injury to the position and rights of his or her client including—
- (a) giving due notice in writing;
  - (b) allowing time for employment of another attorney-at-law;

- (c) delivering to the client all documents and property to which he or she is entitled subject however to any lien which the attorney-at-law may have over the same;
  - (d) complying with such laws, rules or practice as may be applicable; and
  - (e) where appropriate, obtaining the permission of the Court where the hearing of the matter has commenced.
- (2) An attorney-at-law who withdraws from employment shall refund promptly such part of the fees, if any, already paid by his or her client as may be fair and reasonable having regard to all the circumstances.
- 16.** An attorney-at-law shall withdraw from employment or from a matter pending before a tribunal—
- (a) where the client insists upon his or her representing a claim or defense that he or she cannot conscientiously advance;
  - (b) where the client seeks to pursue a course of conduct which is illegal or which will result in deliberately deceiving the Court;
  - (c) where a client has in the course of the proceedings perpetrated a fraud upon a person or tribunal and on request by the attorney-at-law has refused or is unable to rectify the same;
  - (d) where his or her continued employment will involve him or her in the violation of the law or a disciplinary rule;
  - (e) where the client by any other conduct renders it unreasonably difficult for the attorney-at-law to carry out his or her employment as such effectively, or in accordance with the judgment and advice of the attorney-at-law, or the rules of law or professional ethics;
  - (f) where for any good and compelling reason it is difficult for him or her to carry out his or her employment effectively.



17. An attorney-at-law shall not retain money he or she received for his or her client for longer than is absolutely necessary.
18. An attorney-at-law shall never disclose, unless lawfully ordered to do so by the Court or required by statute, what has been communicated to him or her in his or her capacity as an attorney-at-law by his or her client and this duty not to disclose extends to his or her partners, to junior attorneys-at-law assisting him or her and to his or her employees provided however that an attorney-at-law may reveal confidences or secrets necessary to establish or collect his or her fee or to defend himself or herself or his or her employees or associates against an accusation of wrongful conduct.
19. An attorney-at-law shall not permit his or her professional services or his or her name to be used in any way which would make it possible for persons who are not legally authorised to do so to practise law.
20. An attorney-at-law shall not delegate to a person not legally qualified and not in his or her employment or under his or her control, any functions which are by the Laws of Saint Lucia only to be performed by a qualified attorney-at-law.
21. In the performance of his or her duties an attorney-at-law shall not act with inexcusable or undue delay, negligence or neglect.
22. An attorney-at-law shall not engage in undignified or discourteous conduct which is degrading to the Court or his or her profession.
23. An attorney-at-law shall not wilfully make false accusations against a judge or a magistrate.
24. An attorney-at-law who holds a public office shall not use his or her public position to influence or attempt to influence a tribunal to act in favour of himself or herself or of his or her client.
25. An attorney-at-law shall not accept private employment in a matter upon the merits of which he or she previously acted in a judicial capacity or for which he or she had substantial responsibility while he or she was in public employment.
26. An attorney-at-law shall not give, lend or promise anything of value to a judge, juror or official of a tribunal before which there is a pending matter in which he or she is engaged.

27. In any proceedings in a Court an attorney-at-law shall not communicate or cause any other person to communicate with a juror as to the merits of such proceedings, and shall only do so with a judge or person exercising judicial functions—
- (a) in the normal course of the proceedings; or
  - (b) where authorised by law, or the practice of the Courts.
28. An attorney-at-law shall not for the purpose of making any person available as a witness, advise or cause that person to secrete himself or herself or leave the jurisdiction of the Court.
29. An attorney-at-law shall not pay or offer to pay or acquiesce in the payment of compensation to a witness for giving evidence in any cause or matter save as reimbursement for expenses reasonably incurred and as reasonable compensation for loss of time in attending for preparation and for testifying, and in the case of an expert witness a reasonable fee for his or her professional services.
30. An attorney-at-law shall not knowingly use perjured testimony or false evidence or participate in the creation of or use of evidence which he or she knows to be false.
31. An attorney-at-law shall not counsel or assist his or her client or a witness, in conduct that the attorney-at-law knows to be illegal or fraudulent, and where he or she is satisfied that his or her client has in the course of the particular representation perpetrated a fraud upon a person or tribunal, he or she shall promptly call to rectify the same.
32. An attorney-at-law shall not knowingly make a false statement of law or fact.
33. (1) An attorney-at-law shall not commit a breach of an undertaking given by him or her to a judge, a court or other tribunal or an official thereof, whether such undertaking relates to an expression of intention as to future conduct or is a representation that a particular state of facts exists.
- (2) An attorney-at-law shall not knowingly represent falsely to a judge, a court or other tribunal or to an official of a court or other tribunal, that a particular state of facts exists.

- 34.** In pecuniary matters an attorney-at-law shall be most punctual and diligent, he or she shall never mingle funds of others with his or her own and he or she shall at all times be able to refund money he or she holds for others.
- 35.** (1) An attorney-at-law shall keep such accounts as clearly and accurately distinguish the financial position between himself or herself and his or her client as and when required.
- (2) An attorney-at-law shall comply with such rules as may be made by the Council under section 33 of the Act.
- (3) Nothing contained in paragraphs 30 and 31 shall deprive an attorney-at-law of any recourse or right whether by way of lien, set-off, counterclaim, charge or otherwise against monies standing to the credit of a client's account maintained by that attorney-at-law.
- 36.** An attorney-at-law shall reply promptly to any letter received from the Bar Association relating to his or her professional conduct.
- 37.** An attorney-at-law shall not act as an attorney, litigator, agent, legal adviser, conveyancer or notary royal where the actions of the attorney-at-law would by virtue of his or her employment amount to a conflict of interest on his or her part.
- 38.** Where no provision is made in these rules in respect of any matter, the rules and practice of the legal profession which formerly governed the particular matter shall apply in so far as is practicable.
- 39.** An attorney-at-law shall not act on behalf of any person unless the attorney-at-law is authorised in a document evidenced by the signature or mark of that person to act on that person's behalf.
- 40.** An attorney-at-law shall not execute an instrument which is required to be in notarial form for it to be an authentic writing unless—
- (a) the instrument is signed by all parties in the presence of the attorney-at-law; or
- (b) where a party signs in the absence of the attorney-at-law—

- (i) that party is the manager of a bank or the chairperson of the National Housing Corporation or a successor body and is effecting a disposition of land, a hypothec or lease under his or her duties,
  - (ii) the Attorney General, when acting in his or her capacity as Attorney General, is the attorney-at-law.
- 41.** Breach by an attorney-at-law of any of the provisions contained in this Part shall constitute professional misconduct and an attorney-at-law who commits such a breach is liable to any of the penalties which the Committee or the Court is empowered to impose.

## **SCHEDULE 4**

(Section 36(3))

### THE DISCIPLINARY COMMITTEE

#### **1. CONSTITUTION AND MEMBERSHIP**

- (1) The Committee shall consist of 7 members appointed by the Chief Justice after consultation with the Council.
- (2) The appointed members of the Committee shall include 3 members of the Council.
- (3) Subject to subparagraph (4) the other appointed members of the Committee shall be attorneys-at-law of not less than 10 years standing.
- (4) The chairperson and vice chairperson of the Committee shall be appointed by the Chief Justice after consultation with the Council and shall be members who have held high judicial office or, are attorneys-at-law of not less than 10 years standing.

#### **2. TERM OF OFFICE**

Subject to this Schedule the members of the Committee shall hold office for a period not exceeding 3 years, and are eligible for re-appointment.

**3. POWER OF DISCIPLINARY COMMITTEE TO SIT IN DISTRICTS**

- (1) For the purposes of hearing applications made under section 37 of this Act, the Committee may sit in the 2 Districts.
- (2) Subject to the directions of the Council, the chairperson of the Committee shall determine the composition of each District.
- (3) Each division is entitled to hear and determine any application and is entitled to exercise all powers of the Committee; and any hearing by or determination or order of such division shall be deemed to be a hearing by or a determination or order of the Committee.

**4. RESIGNATION**

A member of the Committee may at any time resign his or her office by letter addressed to the Chief Justice and to the chairperson of the Committee.

**5. REVOCATION OF APPOINTMENT**

The Council may, if it thinks it expedient so to do and with the approval of the Chief Justice, at any time revoke the appointment of any member of the Committee.

**6. FILLING OF VACANCIES**

Where an appointed member of the Council vacates his or her seat before the expiration of his or her term of office a person similarly qualified to him or her shall be appointed in a similar manner to fill the vacancy for the remainder of that term of office.

**7. PUBLICATION OF MEMBERSHIP**

The names of all members of the Committee as first constituted and every change in membership thereof shall be published in the Gazette.

**8. LIABILITY FOR DEFAULT OF COMMITTEE**

A member of the Committee shall is not personally liable for any act or default of the Committee done or omitted to be done in good faith in the performance of its functions under this Act.

**9. PROCEEDINGS AT MEETINGS**

- (1) The Committee shall meet in private at such times as may be expedient for the transaction of business and such meeting shall be held in such places and times and on such days as the Committee shall determine.
- (2) The chairperson or, in his or her absence, the vice-chairperson shall preside at meetings of the Committee.
- (3) If, at any meeting of the Committee, the chairperson or vice-chairperson is for any reason unable to act as such, the members present may elect one of their members to preside at that meeting.
- (4) The quorum for a meeting of the Committee shall, subject to paragraph 3, be 4.
- (5) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.
- (6) Subject to this Schedule and Schedule 5, the Committee shall have power to regulate its own proceedings.

**SCHEDULE 5**

(Section 38)

**DISCIPLINARY PROCEEDINGS****1. SECRETARY OF THE COMMITTEE**

For the purposes of this Schedule, “Secretary” means the Registrar or the person deputed by him or her to perform all or any of the functions of the Secretary.

**2. APPLICATION AND AFFIDAVITS—FORM 1 AND FORM 2**

An application to the Committee to require an attorney-at-law to answer allegations contained in an affidavit shall be in writing under the hand or mark of the applicant in Form 1 of the Appendix and shall be sent to the Secretary together with an affidavit by the applicant in Form 2 of the Appendix stating the matters of fact on which he or she or she relies in support of his or her application.

**3. FURTHER INFORMATION AND DOCUMENT, NO CASE TO ANSWER**

- (1) Before fixing a date for the hearing, the Committee may, within 7 days of the application being made under paragraph 2, serve on the applicant a notice in writing requesting the applicant to supply such further information and documents relating to the allegations as it thinks fit.
- (2) Where an application is made under paragraph (2) and the Committee is of the opinion that no *prima facie* case is shown, the Committee may, without requiring the attorney-at-law to answer the allegations, dismiss the application and serve notice in writing on the applicant and the attorney-at-law of the dismissal within 7 day of the application being made.

**4. NOTICE OF HEARING**

- (1) Where an application is made under paragraph 2 and in the opinion of the Committee a *prima facie* case is shown, the Committee shall fix a day for hearing and the Secretary shall serve notice thereof on the applicant and on the attorney-at-law and shall also serve on the attorney-at-law a copy of the application and affidavit within 7 days of the application being made.
- (2) The date fixed for the hearing under subparagraph (1) shall not be less than 21 days or more than 28 days from the date of service of the notice.

**5. LIST OF DOCUMENTS FOR HEARING—FORM 3 AND FORM 4**

- (1) The notices under paragraph 4 shall be in Form 3 and Form 4 of the Appendix, as the case may be, and shall require the applicant and the attorney-at-law respectively to furnish to the Secretary and to each other a list of all documents on which they respectively propose to rely.
- (2) A list under subparagraph (1) shall, unless otherwise ordered by the Committee, be furnished by the applicant and by the attorney-at-law respectively at least 7 days before the date of hearing.

**6. INSPECTION OF DOCUMENT**

Either party may inspect the documents included in the list furnished by the other, and a copy of any documents mentioned in the list of either party shall, on the application of the party requiring it, be furnished to that party by the other within 3 days after the receipt of the application.

**7. PROCEEDINGS IN ABSENCE OF PARTIES**

If either or both parties fail to appear at the hearing the Committee may, upon proof of service of the notice of hearing, proceed to hear and determine the application in his or her or their absence.

**8. AFFIDAVIT EVIDENCE**

The Committee may in its discretion, either as to the whole case or as to any particular facts, proceed and act upon evidence given by affidavits.

**9. COMMITTEE MAY SUMMON DEPONENT TO GIVE ORAL EVIDENCE**

Where the Committee proceeds to act upon evidence given by affidavit in accordance with paragraph 8, any party to the proceedings may require any deponent to any such affidavit to be summoned, to appear before the Committee, unless the Committee is satisfied that the affidavit is purely formal and the requirement of the appearance of the deponent is made with the sole object of causing delay.

**10. SUBPOENA FORM**

A summons issued by the Committee under section 38 of this Act shall be as prescribed in Form 5 of the Appendix with such variations as the case may require.

**11. NOTICE TO PARTIES OF DATE OF FINDINGS**

If the findings and order of the Committee are not pronounced on the date of hearing, notice shall, within 14 days of the hearing, be given to the parties of the date when the findings and order will be pronounced.



**12. APPLICATIONS TO BE HEARD IN PRIVATE**

The Committee shall hear all applications in private.

**13. ADJOURNMENT OF HEARING**

The Committee may of their own motion, or upon the application of either party, adjourn the hearing upon such terms as may appear just to the Committee.

**14. NOTES OF PROCEEDINGS**

- (1) Notes of proceedings shall be taken by the Secretary or other person appointed by the Committee, and any party who appeared at the proceedings is entitled to inspect the original or a copy thereof.
- (2) Every person entitled to be heard upon an appeal against an order of the Committee is entitled to a copy of such notes on the payment of the charges presented by the Committee.

**15. SERVICE OF NOTICE OF DOCUMENT**

- (1) Service of any notice or document required by this Schedule may be effected by registered letter addressed to the last known place of abode or business of the person to be served, and proof that such letter was so addressed and posted shall be proof of service.
- (2) Any notice or document required to be given or signed by the Secretary may be given or signed by him or her or by any person duly authorised by the Committee in that behalf.

**16. SECRETARY TO RETAIN AFFIDAVITS**

- (1) All Affidavits shall be filed and kept by the Secretary.
- (2) The Committee may order that any documents produced or used at a hearing shall be retained by the Secretary until the time for appealing has expired, and if notice of the appeal be given, until appeal is heard or otherwise disposed of.

**17. PRIVILEGES AND IMMUNITIES**

- (1) Attorneys-at-law and witnesses shall have the same privileges and immunities in relation to hearings on applications under this Act as in any court of law.
- (2) A party to an application under this Act is entitled to be represented by an attorney-at-law.

**18. DISMISSAL OF APPLICATION AFTER HEARING**

If after hearing an application the Committee is satisfied that no case of professional misconduct has been made out, it may dismiss the application.

**19. APPEAL AGAINST FAILURE TO ACT**

Where the Committee fails to act within the time limit specified under this Schedule the Applicant may apply to the Appeals Commission for the determination of the application which was made under paragraph 2.

**APPENDIX**

**FORM 1**

(Paragraph 2)

**APPLICATION AGAINST AN ATTORNEY-AT-LAW**

To the Committee constituted under the Legal Profession Act. In the matter of ..... an attorney-at-law .....  
..... and .....

In the matter of the Legal Profession Act

I, the undersigned ..... hereby make application that  
..... of .....  
..... attorney-at-law, may be required to



- (d) Country in the country of (d)
- (e) Occupation and I am a (e)
- (f) Postal Address and my postal address is (f)
- (g) Name of attorney-at-law (2) That (g)
- (h) Set out facts complained of (h)
- (i) Set out shortly the ground of complaint (3) The complaint I made against the attorney-at-law is that he or she (i)

Sworn at ..... this ..... day of ..... , ..... If the person making the Affidavit can ..... (The same having first read read and write, strike out the words in ..... over and explained to the bracket. .... deponent when he or she appeared ..... fully to understand the same)

Before me:

.....  
*Justice of the Peace*

FORM 3

(Paragraph 5)

**NOTICE BY COMMITTEE TO APPLICANT**

Complaint No. .... of .....

In the matter of ..... attorney-at-law .....  
 ..... and

In the matter of the Legal Profession Act,

To .....  
of .....

The ..... day of ..... , is the day ..... fixed for the hearing of your application in the matter of ..... attorney-at-law by the Disciplinary Committee constituted under the Legal Profession Act, .....

The Committee will sit at ..... at ..... a.m.

If you fail to appear the Committee may in accordance with the Rules made under the Legal Profession Act ..... proceed in your absence.

You are requested by the Rules under the Legal Profession Act ..... to furnish to the said ..... and the Secretary of the Committee at at least 14 days before the said ..... day of ..... at a list of all documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other and a copy of any document mentioned in the list of either party must, on the application of the party requiring it, be furnished to that party by the other within 3 days after receipt of the application.

You are requested to acknowledge the receipt of this Notice without delay.

Dated the ..... day of ..... , .....

.....  
*Secretary, Disciplinary Committee*

FORM 4

(Paragraph 5)

**NOTICE BY COMMITTEE TO ATTORNEY-AT-LAW**

Complaint No. .... of .....

In the matter of ..... attorney-at-law .....  
..... and

In the matter of the Legal Profession Act

To .....  
of ..... attorney-at-law .....

Application has been made by .....  
of ..... to the Disciplinary Committee constituted under the  
Legal Profession Act ..... that you may be required to answer the  
allegations contained in the affidavit a copy whereof accompanies this  
Notice.

The ..... day of ..... , ..... is the day fixed  
for the hearing of the application by the Committee. The Committee will sit  
at ..... o'clock in the forenoon. If you fail to appear the  
Committee may in accordance with the Rules made under the Legal  
Profession Act..... proceed in your absence.

You are required by the Rules made under the Legal Profession Act

Revision Date: 31 Dec 2008

..... to furnish to the applicant and to the Secretary of the Committee at least 14 days before the day fixed for hearing a list of all the documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other and a copy of any document mentioned in the list of either party must, on application of the party requiring it, be furnished to that party by the other within 3 days after receipt of the application.

You are requested to acknowledge receipt of this Notice without delay.

Dated the ..... day of ....., .....

.....  
*Secretary, Disciplinary Committee*

FORM 5

(Paragraph 10)

**SUMMONS BY COMMITTEE TO WITNESS**

*Legal Profession Act; Section 38*

Complaint No. .... of .....

In the matter of ..... attorney-at-law .....  
..... and

In the matter of the Legal Profession Act,

To .....

You are hereby summoned to appear before the Disciplinary

Committee constituted under the Legal Profession Act, ..... at  
 ..... on the ..... day of  
 ..... at the hour of ..... a.m./p.m., and so from  
 day to day until the application in the above matter is heard, to give  
 evidence on behalf of ..... (if the person summoned is to  
 produce books or documents add) and you are required to bring with you  
 (specify the books or documents required).

Whereof fail not at your peril.

Dated the ..... day of ..... , .....

.....  
*Chairperson*

### SCHEDULE 6

(Section 4)

#### PART A COUNCIL OF BAR ASSOCIATION

**1. COUNCIL TO BE EXECUTIVE OF BAR ASSOCIATION**

The Council shall be the governing and executive body of the Bar Association and shall exercise and perform such functions, duties and powers as are imposed or conferred upon it by this Act or any other enactment.

**2. CONSTITUTION OF COUNCIL**

The Council shall consist of—

- (a) the immediate past President of the Bar Association if he or she is resident in Saint Lucia; and
- (b) elected members comprising—



- (i) officers of the Bar Association, and
- (ii) ordinary members,

who shall be citizens of Saint Lucia.

### **3. OFFICERS OF THE BAR ASSOCIATION**

- (1) The officers of the Bar Association shall be the President, the Vice-President and the Treasurer who shall be elected at the same time as the ordinary members in accordance with paragraph 5 and the Secretary who shall be appointed by the Council as soon as it is constituted from among the ordinary members.
- (2) Subject to paragraph 2, every practitioner member of the Bar Association of more than 10 years standing shall be eligible for election as President, Vice-President or Treasurer.

### **4. ORDINARY MEMBERS**

The ordinary members of the Council shall comprise of—

- (a) two practitioner members, each of whom shall be of 10 years or more standing on the day of his or her nomination for election to the Council;
- (b) four practitioner members, each of whom shall be of less than 10 years standing on the day of his or her nomination for election to the Council; and
- (c) all Queen's Counsels.

### **5. ELECTIONS TO BE HELD EVERY 2 YEARS**

Elections shall be held every 2 years in accordance with this Schedule and any rules made thereunder for the election of President, Vice President and Treasurer of the Bar Association and the ordinary members of the Council.

### **6. CLOSING DATE FOR NOMINATION**

In the month of January in the second year after an election, the Council shall publish in the Gazette and in any other manner which it deems expedient so to do, the closing date for nomination of candidates for election to the Council.

**7. CANDIDATE'S CONSENT TO BE OBTAINED**

Every nomination of a candidate for election to the Council shall be in writing signed by not less than 5 practitioner members and shall name only one candidate whose consent shall be endorsed on the nomination.

**8. DATE OF ELECTION AND THE PUBLICATION**

Election of members to the Council shall be held as soon as practicable after the month of March in the second year after an election, but the names of the candidates nominated shall not be published before 1 April in that year.

**9. BALLOT VOTING**

Voting shall be by ballot.

**10. ELECTION TO OFFICES**

- (1) A person may at the same election be a candidate for 2 or more of the offices of President, Vice-President, Treasurer and ordinary member of the Council.
- (2) The election to these offices shall be determined in the order in which the offices are mentioned in subparagraph (1).

**11. EQUALITY OF VOTES**

In the event of an equality of votes between candidates, the one to be declared elected shall be determined by lot in such manner as may be prescribed.

**12. NAMES OF MEMBERS OF NEW COUNCIL TO BE PUBLISHED IN GAZETTE**

- (1) The names of the members of the new Council shall be published in the Gazette.
- (2) On the date of such publication the new Council shall be deemed to have been constituted and its members to have taken office.

- (3) On that date, the terms of office of the members of the previous Council shall expire.

### **13. NEW COUNCIL**

Subject to this Act, all members of the Council shall hold office until the coming into office of a new Council under paragraph 12.

### **14. FILLING OF VACANCIES**

If a vacancy arises in the office of an elected member it shall be filled in one of the following ways—

- (a) where it arises less than 6 months after a member took office, by a by-election; and
- (b) where it arises 6 months or more after the member took office, by the appointment by the Council of a person qualified for election to the office.

### **15. PRESIDING AT MEETINGS OF COUNCIL AND ASSOCIATION**

- (1) The President of the Bar Association or, in his or her absence the Vice-President of the Bar Association shall be the chairperson of the Council and the Bar Association and shall preside at all meetings of the Council or the Bar Association.
- (2) In the absence from a meeting of both the President and the Vice-President of the Bar Association, the members present shall select one of their members to preside at that meeting.

### **16. APPOINTMENT OF OFFICER DUE TO ILLNESS, ETC**

Subject to paragraph 15, where for any reason an officer of the Bar Association is unable to carry out his or her functions under this Act, the Council shall appoint a member from among the elected members of the Council to act in his or her place.

### **17. VACATION OF OFFICE OF STATUTORY MEMBERS**

A statutory member of the Council shall vacate his or her office if—

- (a) his or her name is struck off the Roll or he or she is suspended from practising as an attorney-at-law;

- (b) he or she becomes bankrupt or is insolvent;
- (c) he or she becomes of unsound mind; or
- (d) he or she resigns his or her seat on the Council.

#### **18. VACATION OF OFFICE OF ELECTED MEMBERS**

An elected member shall vacate his or her office in any of the circumstances specified in paragraph 17 and shall also vacate his or her office if—

- (a) being elected under paragraph 5, he or she ceases for any reason to have in force a practicing certificate; or
- (b) he or she is absent from 3 consecutive meetings of the Council without its consent.

#### **19. QUORUM OF COUNCIL**

Six members present at a meeting of the Council shall constitute a quorum for the transaction of any business.

#### **20. OUT-OF-POCKET EXPENSES TO BE PAID TO MEMBERS**

No fees shall be paid to any member of the Council but a member may be reimbursed from the funds of the Bar Association for out-of-pocket and traveling expenses incurred by him or her in relation to the affairs of the Bar Association.

#### **21. ANNUAL GENERAL MEETING**

- (1) The Council shall convene an Annual General Meeting which shall be held on or before 31 March in each year and shall cause to be prepared and presented to the Annual General Meeting—
  - (a) a report on the activities of the Bar Association; and
  - (b) proper accounts, duly audited, of all funds, property and assets of the Bar Association,for the year terminating on 31 January preceding such Annual General Meeting.
- (2) The Auditor shall be appointed at each Annual General Meeting.

**22. GENERAL MEETING**

The Council may convene a Special General Meeting of the Bar Association at such time or times as the Council deems expedient.

**23. FIFTEEN PRACTITIONER MEMBERS CAN REQUISITION GENERAL MEETING**

- (1) Any 15 practitioner members of the Bar Association may at any time requisition a Special General Meeting by written notice signed by them stating the objects of the meeting and served on the President, Vice-President or Secretary of the Bar Association.
- (2) The Council shall convene a Special General Meeting to be held within 30 days of the service of the notice.
- (3) If the Council fails to convene a Special General Meeting within the time required by subparagraph (2), the requisitioning members may convene that Special General Meeting within 60 days of the service of the Notice.

**24. CHAIRPERSON TO HAVE CASTING VOTE AT GENERAL MEETING**

At every General Meeting, every practitioner member present shall have one vote and the person presiding at that meeting shall have a casting as well as an original vote.

**25. MANAGEMENT OF ASSOCIATION TO BE VESTED IN COUNCIL**

- (1) All such powers, acts, or things which are not expressly authorised, directed or required to be exercised or done by the Bar Association at a General Meeting under this Act may, subject to this Act or any rules made thereunder or any resolution passed by the Bar Association in General Meeting, be exercised or done by the Council.
- (2) No resolution of the Bar Association passed under subparagraph (1) shall invalidate the previous exercise of any power or the previous doing of any act or thing by the Council which would have been valid if such resolution had not been passed.

**26. COUNCIL TO HAVE POWER TO MAKE RULES**

- (1) The Council shall have power to make rules to provide for all matters not expressly reserved for the Bar Association in General Meeting (whether the same be expressed to be among its power or not) and for all such things as may appear to it to be necessary or desirable for carrying out its functions under this Act or any other enactment.
- (2) Despite the power conferred under subparagraph (1) the Council may make rules on any of the following matters—
  - (a) the manner of nominating candidates;
  - (b) the manner of communicating to members the names of the persons nominated for election;
  - (c) the form of nomination paper and the ballot paper;
  - (d) the times at which the various steps in an election are to take place;
  - (e) the mode of voting; and
  - (f) the number of practitioner members (not being less than 30) to constitute a quorum at a General Meeting.

**PART B**

(Section 4 (2))

**Constitution of First Council**

1. Until the First Council is constituted and a person is appointed to perform the functions of Secretary of the Bar Association, the Registrar shall perform these functions and shall be responsible for making arrangements for constituting the first Council and for holding elections for this purpose.
2. If any difficulties arise in applying any of the provisions of Part A of this Schedule to the constituting of the first Council, the Attorney General may issue directions modifying these provisions so far as may appear to him or her necessary or expedient for removing the difficulty, and the Registrar shall for the purpose of constituting the first Council apply these provisions as modified by the Attorney General.

## SCHEDULE 7

*(Amended by Act 8 of 2007)*

(Section 2)

### **AGREEMENT ESTABLISHING THE COUNCIL OF LEGAL EDUCATION**

#### **The Contracting Parties**

Sharing a common determination to establish without delay a scheme for legal education and training that is suited to the needs of the Caribbean;

Aware that the objectives of such a scheme of education and training should be to provide teaching in legal skills and techniques as well as to pay due regard to the impact of law as an instrument of orderly social and economic change;

Convinced that such a scheme of education and training can best be achieved by—

Firstly, a University course of academic training in a Faculty of Law designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean History and contemporary Caribbean affairs;

Secondly, a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the acquisition of the skills and techniques required for the practice of law;

Recognising the needs to vest responsibility for providing the institutional training in a Regional Council of Legal Education which should be established in advance of students being admitted to the Faculty of Law so as to give assurance that the whole scheme for legal education will be implemented in its entirety;

Hereby agree as follows:

*Article 1***CONSTITUTION**

There shall be a Council of Legal Education (hereinafter called “the Council”) with the following membership, status, functions and powers:

**1. MEMBERSHIP**

- (a) The Council shall consist of—
  - (i) The Dean of the Faculty of Law of the University of the West Indies and another member of the faculty nominated by him;
  - (ii) The Director of Legal Education and his Deputy or Deputies;
  - (iii) The Head of the Judiciary of each participating territory;
  - (iv) The Attorney General of each participating territory;
  - (v) From each of the 4 participating territories in which there are now 2 branches of the legal profession, namely, Jamaica, Barbados, Trinidad and Tobago and Guyana, a Barrister and a Solicitor nominated by their appropriate professional bodies, or in the event of the 2 branches of the profession at any time becoming fused in any such territory 2 members of the fused profession nominated by their appropriate professional body;
  - (vi) From each of the other participating territories one member of the profession nominated by the appropriate professional body.
- (b) Each member of the Council appointed under paragraphs (v) and (vi) of Clause (a) above shall hold office for 3 years from the date of his appointment and shall be eligible for re-appointment. The effective date of appointment of members under the said paragraphs (v) and (vi) shall be the date on which the Council is notified of the appointment.
- (c) Each member of the Council may be represented by an alternate to be appointed, in the case of (i) above by the



Dean, in the case of (ii), (iii) and (iv) by the member himself or herself and in the case of (v) and (vi) by the body represented by the member.

- (d) A casual vacancy, however, occurring in the case of a member appointed under (v) and (vi) may be filled by the body appointed such member and the person appointed to fill such casual vacancy shall hold office for the remainder of the period of the appointment of the member whose place he fills.
- (e) Any committee of the Council shall have the power to co-opt such person or persons as it thinks fit.

## **2. LEGAL STATUS**

The Council shall possess full juridical personality and in particular, full capacity—

- (a) to contract;
- (b) to acquire, and dispose of movable and immovable property; and
- (c) to institute and defend legal proceedings.

## **3. FUNCTIONS AND POWERS**

The functions and the powers of the Council shall be as follows—

- (a) to undertake and discharge general responsibility for the practical professional training of persons seeking to become members of the legal profession;
- (b) to establish, equip and maintain Law Schools, one in Jamaica, one in Trinidad and Tobago and in such other territories as the Council may from time to time determine, for the purpose of providing post-graduate professional legal training;
- (c) to appoint a Director of Legal Education, one or more Deputy Directors of Legal Education and all necessary staff;
- (d) to make proper provision for courses of study and practical instruction, for the award of scholarships,

- studentships, bursaries, and prizes, and for holding examinations and granting diplomas and certificates;
- (e) To evaluate courses of study provided by and to accord appropriate recognition of legal qualifications obtained at other institutions;
  - (f) in the exercise of any of the above functions or powers to enter into any such agreements with the University of the West Indies, and the University of Guyana as the Council shall think fit;
  - (g) to appoint Committees of the Council and to delegate to any such Committees such of its powers as the Council shall think fit provided that the Council shall nevertheless maintain overall responsibility for co-ordinating training throughout the area on a planned and integrated basis paying due regard to the needs of the several participating territories.
  - (h) to make regulations for the due discharge of its functions, for the courses and examinations at the Law Schools, and for prescribing fees to be paid and disciplinary rules to be paid and disciplinary rules to be observed by persons admitted to the Law School and, subject to the provisions of Articles 7 and 8, to regulate its own procedures;
  - (i) to do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the Council.

#### *Article 2*

### **DIRECTOR OF LEGAL EDUCATION**

The Director shall be responsible to the Council for the organisation and administration of the Law Schools and of the courses of study and practical instruction and shall exercise such other functions of the Council as the Council may from time to time entrust to him. The Director may delegate to a Deputy Director any of his functions or powers.

#### *Article 3*

### **ADMISSION TO LAW SCHOOLS**

Every person who holds a University of the West Indies LL.B. degree shall be eligible for admission to the Law Schools and every person

who holds a degree of a University or Institution which is recognised by the Council as being equivalent to the University of the West Indies LL.B. degree shall, subject to the availability of places and to such conditions (if any) as the Council may require, be eligible for admission to the Law Schools. Provided that any national who prior to 1 October 1972 was holder of a University degree or had commenced upon a degree programme other than in law and completed that programme before 1 October 1975, shall be eligible to be admitted to one of the Professional Law Schools without being required to obtain a degree of LL.B. from the University of the West Indies or a Law Degree recognised by the Council of Legal Education as equivalent thereto but subject to such other terms and conditions as the Council of Legal Education shall after consultation with the Faculty of the Law of the University of the West Indies determine.

*Article 4*

**LEGAL EDUCATION CERTIFICATE**

On satisfactory completion by any person of the course of study and professional training at one of the Law Schools established by the Council of Legal Education, he will be awarded by the Council a certificate herein referred to as a Legal Education Certificate.

Articles 5-12    *(Repealed by Act 8 of 2007)*

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IN WITNESS THEREOF the undersigned representatives, being duly authorised thereto by their respective Governments or institutions, have signed the present Agreement.

Done at ..... this ..... day of ..... , 1970 in a single copy, which shall be deposited with the Commonwealth Caribbean Regional Secretariat by which certified copies shall be transmitted to all participating Governments.

**ANNEX “A”**

ANTIGUA

BAHAMAS

BARBADOS

BRITISH HONDURAS (BELIZE)

THE BRITISH VIRGIN ISLANDS

DOMINICA

GRENADA

GUYANA

JAMAICA

MONTSERRAT

ST. KITTS—NEVIS—ANGUILLA

ST. LUCIA

ST. VINCENT

TRINIDAD AND TOBAGO

THE TURKS AND CAICOS ISLANDS

THE UNIVERSITY OF THE WEST INDIES

THE UNIVERSITY OF GUYANA

PROTOCOL TO PROVIDE FOR THE RESERVATION  
MADE BY THE GOVERNMENTS OF THE BAHAMAS TO

PARAGRAPH 1 OF ARTICLES 5 OF THE AGREEMENT  
ESTABLISHING THE COUNCIL OF LEGAL EDUCATION

The contracting parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of article 5, the Government of the Bahamas shall be able to admit to practise in the Bahamas, person holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education. The Government of the Bahamas undertakes to review the position within 5 years of the coming into force of the Agreement with a view to implementing fully the provisions of paragraph 1 of Article 5.

FURTHER PROTOCOL TO PROVIDE FOR THE  
ADHESION OF THE GOVERNMENT OF THE CAYMAN  
ISLANDS NOTWITHSTANDING PARAGRAPH 1 OF  
ARTICLES 5 OF THE AGREEMENT ESTABLISHING THE  
COUNCIL OF LEGAL EDUCATION.

The contraction parties to the Agreement establishing the Council of Legal Education hereby agree that notwithstanding the provisions of paragraph 1 of Article 5, the Government of the Cayman Islands shall be able to admit to practise in the Cayman Islands persons holding qualifications other than a Legal Education Certificate awarded by the Council of Legal Education.

Provided that the Government of the Cayman Island may, at any time not later than 5 years from the date on which that Agreement entered into force adhere unconditionally to the full terms of that Agreement but if, at the conclusion of the said period of 5 years, the Government of the Cayman Islands has not so adhered, it shall cease forthwith to be a participating Government in the Council of Legal Education.



## **LEGAL PROFESSION (LAW OFFICES) ORDER – SECTION 26(1)**

(Statutory Instrument 50/2001)

Commencement [7 April 2001]

### **1. CITATION**

This Order may be cited as the Legal Profession (Law Offices) Order.

### **2. DECLARATION OF LAW OFFICES**

The offices listed in the Schedule to this Order are declared to be law offices for the purpose of the Legal Profession Act.

## **SCHEDULE**

Attorney General

Clerk of Parliament

Crown Counsel

Deputy Clerk of Parliament

Deputy Director of International Financial Services

Deputy Director of Legislative Drafting

Deputy Director of Public Prosecution

Deputy Registrar of Companies and Intellectual Property

Deputy Registrar of High Court

Deputy Registrar of Lands

Director of International Financial Services

Director of Legislative Drafting

Director of Public Prosecution

Legal Officer

Legislative Drafter

Magistrate

Registrar of Companies and Intellectual Property

Registrar of International Business Companies and International Trust

Registrar of High Court

Solicitor General

Senior Crown Counsel

Senior Magistrate

## **LEGAL PROFESSION (FEES) REGULATIONS – SECTION 67**

(Statutory Instruments 49/2001 and 55/2003)

Commencement [7 April 2001]

### **1. CITATION**

These Regulations may be cited as the Legal Profession (Fees) Regulations.

### **2. INTERPRETATION**

In these Regulations—

“**principal Act**” means the Legal Profession Act.

### **3. ANNUAL SUBSCRIPTION**

The annual subscription fee under section 12(1) of the principal Act is as prescribed in Schedule 1.

### **4. ADMISSION OF CITIZENS**

The fee under section 15 of the principal Act for admission of a citizen of Saint Lucia to practise is as prescribed in Schedule 2.

### **5. ADMISSION OF PERSON WHO IS NOT A CITIZEN**

The fee under section 16 of the principal Act for admission of a person who is not a citizen of Saint Lucia to practise is as prescribed in Schedule 3.

### **6. CERTIFICATE OF ENROLMENT**

The fee for a certificate of enrolment under section 19 of the principal Act is as prescribed in paragraph 1 of Schedule 4.

**7. PRACTISING CERTIFICATE**

The fee for a practising certificate under section 23 of the principal Act is as prescribed in paragraph 2 of Schedule 4.

**SCHEDULE 1**

(Regulation 3)

*(Annual subscription fee-section 12)*

	<b>No. of years standing</b>	<b>Fee</b>
1.	0-2 years	\$150
2.	2-5 years	\$250
3.	Over 5 years	\$350
4.	Queens Counsel	\$600

*(Substituted by S.I. 55/2003)***SCHEDULE 2**

(Regulation 4)

*(Admission of citizens-section 15)*

	<b>No. of years standing</b>	<b>Fee</b>
1.	5 years or less	\$300
2.	More than 5 years but less than 10 years	\$500
3.	10 years or more	\$750

**SCHEDULE 3**

(Regulation 5)

*(Admission of persons who are not citizens-section 16)*

	<b>No. of years standing</b>	<b>Fee</b>
1.	5 years or less	\$500
2.	More than 5 years but less than 10 years	\$750

3. 10 years or more \$1000

## **SCHEDULE 4**

(Regulations 6 and 7)

	<b>Fee</b>
1. Certificate of enrolment	\$100
2. Practising certificate	\$300

### ***Sections***

#### ***Enrolment, Admission and Status***

#### ***Law Officers***

#### ***Removal from Roll and Suspension***

#### ***Restoration of name to Roll and termination of suspension***

#### ***Accounts***

#### ***Discipline***

#### ***Disciplinary Committee and proceedings***

#### ***Other Disciplinary Offences***

#### ***General Offences***

#### ***Recovery of Costs***



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Revision Date: 31 Dec 2008

## **POLICE REGULATIONS – SECTION 58**

(Statutory Instruments 22/1965, 7/1967, 11/1968, 24/1970, 17/1973, 8/1974 and 21/1993)

Commencement [1 October 1965]

### **PART 1 PRELIMINARY**

#### **1. SHORT TITLE**

SAINT LUCIA

STATUTORY INSTRUMENT, 2006, No. 150

[ 4th September, 2006 ]

In exercise of the power conferred under section 67 of the Legal Profession Act, Cap. 2.04, the Attorney General makes these Regulations:

Citation

1. These Regulations may be cited as the Legal Profession (Remuneration of Arbiters) Regulations 2006.

Remuneration of arbiters

2. The remuneration of arbiters of the Appeals (Professional Misconduct Commission) pursuant to section 40 (4) of the Legal Profession Act, Cap. 2.04 is as specified in the Schedule.

### **SCHEDULE**

(Regulation 2)

Chairperson	\$500 monthly plus \$150 per meeting
Other arbiters	\$150 per meeting